

REPORT
OF THE
COMMISSIONERS OF INQUIRY,
1869,
INTO THE
RIOTS AND DISTURBANCES
IN THE
CITY OF LONDONDERRY,
WITH
MINUTES OF EVIDENCE AND APPENDIX.

Presented to both Houses of Parliament by Command of Her Majesty.



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FOR HER MAJESTY'S STATIONERY OFFICE.
1869.

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LONDONDERRY RIOTS INQUIRY COMMISSION, 1869.

REPORT.

TO HIS EXCELLENCY JOHN POYNTZ, EARL SPENCER, K.G.,
LORD LIEUTENANT-GENERAL AND GENERAL GOVERNOR OF IRELAND.

MAY IT PLEASE YOUR EXCELLENCY,

On the 11th of August, 1869, your Excellency was pleased to issue your warrant to us, whereby, having recited that certain riots and disturbances, of a serious character, had on recent occasions taken place in the city of Londonderry, and that your Excellency deemed it expedient that inquiry should be made in respect of the several matters set forth in your Excellency's warrant, in order that such measures should be adopted as may be found necessary for securing the future tranquillity of the city, your Excellency authorized and directed us "to hold a Court of Inquiry at Londonderry aforesaid, on Tuesday the 17th day of August, 1869, and following days, and to inquire into the circumstances of the said riots and disturbances; the existing local arrangements for the preservation of the peace of the city of Londonderry; the magisterial jurisdiction exercised within it; and the amount, and constitution, and efficiency of the police force usually available there; the proceedings taken by the magistrates and other local authorities towards the prevention or suppression of the said riots and disturbances; and whether those authorities and the existing police force are adequate to the future maintenance of order within the city; and whether any and what steps ought to be taken, and whether any and what changes ought to be made, in the local magisterial and police jurisdiction, arrangements, and establishment, with a view to the preservation of the public peace, and the prevention or prompt suppression of riot and disorder."

In obedience to your Excellency's warrant, we opened the Inquiry, so directed, in the Record Court-house, Londonderry, on Tuesday the 17th of August last, at the hour of 12 o'clock. The warrant under which we sat was read by the Secretary to the Commission; and the Senior Commissioner briefly stated the general scope and purport of the investigation to be entered on, intimating likewise the manner in which we proposed to carry it out. He invited the attendance and co-operation of all who could give evidence with respect to any of the matters stated in the warrant, at the same time informing those present that no power was conferred by it of compelling anyone to attend or be examined; but that means would be taken to procure the attendance and evidence of all persons under the control of the Executive, whose names should be given as persons likely to aid in elucidating the facts, from which correct conclusions could be arrived at. It was our intention to adjourn the proceedings to the next morning, when these announcements had been made; but, at the instance of professional gentlemen, representing different parties in Londonderry, who appeared before us, and requested a longer adjournment, we consented to fix the next day but one, at 11 o'clock, A.M., for the commencement of the Inquiry, an arrangement that seemed to satisfy all parties, and that, we have no doubt, was sufficient for all purposes connected with the legitimate objects of the investigation.

Pursuant to the adjournment thus made, on Thursday the 19th of August, at 11 o'clock, we again sat, and, after some preliminary discussion, as to the mode of proceeding, between the professional gentlemen, representing what they regarded as opposing interests, we declared the course we would pursue, and entered on the examination of the witnesses. That examination we continued daily, with the exception of Sunday the 22nd of August, till the conclusion of our Inquiry, on the 27th of the same month. During the time thus occupied, we examined forty-six witnesses, with very few exceptions inhabitants of Londonderry, and representing the various classes and sections of the population; commercial and professional; Protestant, Roman Catholic, and Presbyterian. The

Minutes of Evidence, p. 21.

Ibid., p. 20.

The Mayor's evidence, 5266.
See E. Reid, 5212.

Mayor of the city, though labouring under indisposition, kindly attended to give evidence to which, especially when it is considered that it is the sixth occasion of his filling the post of Chief Magistrate, we attach no little importance. The gentleman who filled the same office, during the years 1867 and 1868, was likewise examined before us, as were several local magistrates and other gentlemen of position in the borough. Several traders and shopkeepers also, whose business brought them into close and intimate relation with the humbler classes of the population; who were, on all hands, admitted to have the best means of knowing the sentiments and opinions of those classes; and whose personal veracity was not only unimpeached, but was frankly and cheerfully attested, by those whose own views were least in harmony with theirs, gave us the full benefit of the information possessed by them, and supplied us with, perhaps, the most valuable evidence which we have had to consider. At the outset, we had some apprehension that the witnesses produced, or tendering themselves for examination, might come too exclusively from one political party; but, before our inquiry closed, we found that any such idea was erroneous, and that Conservatives as well as Liberals, Tories as well as Whigs, were amply represented in the witness-chair. It gave us great satisfaction, too, having regard to some of the questions most urgently demanding to be considered, under the terms of your Excellency's warrant, to have the voluntary and very frank evidence, as it certainly appeared to us, of the governor and other office-bearers of the Apprentice Boys, and of a gentleman holding the position of a Deputy Grand Master of the Orangemen of Ireland. Though, amongst such a body of witnesses, it was only natural to expect a good deal of diversity of opinion, on almost any question, and not the least on those that formed the subjects of our inquiry, it gives us much gratification to say that the suggestions and recommendations which we now feel it our duty to submit to your Excellency would, we are convinced, be approved of by the great majority of the inhabitants of Londonderry, whether Protestant or Catholic, Conservative or Liberal.

To one class of witnesses that appeared before us we have not yet referred, namely, the officers and men of the Royal Irish Constabulary force, from time to time on duty in Londonderry. Their evidence, on the points as to which they were examined, was clear and satisfactory, and was of the greatest importance, in connexion with portions of the investigation intrusted to us.

We shall now submit to your Excellency the results of our inquiry, doing so, as far as possible, in the order in which each subject has been referred to us for consideration; but, to avoid needless repetition, we shall group together the facts bearing on the "existing local arrangements for the preservation of the peace of the city of Londonderry; the magisterial jurisdiction exercised within it; and the amount and constitution and efficiency of the police force usually available there." It would hardly be possible to take these subjects separately into consideration; doing so would only cause inconvenience and confusion.

The city of Londonderry stands mainly on the left or western bank of the River Foyle, which at this point is a broad and noble stream, being spanned by an iron bridge 1,200 feet in length. The old walled-in city, of historic celebrity, stands entirely on the left bank, built on a hill crowned by the Protestant Cathedral, and is in circumference about an English mile; the wall being pierced by six gateways, but without gates. This portion, with its adjacent sub-mural extensions, is connected by the bridge just mentioned with another portion, on the right bank, known as Waterside. The parliamentary and municipal boundaries of Londonderry are now the same, and extend, on both sides of the Foyle, to a considerable distance outside the districts as yet built on; but of late years the streets and houses, within the boundary, seem to have been pretty steadily on the increase. The city contains several flour-mills, two distilleries, three breweries, two foundries, five tan-yards, and several extensive shirt factories, and shows decided indications of commercial prosperity. The Coleraine and Derry Railway, running northward, by the eastern shore of Lough Foyle, connects it with the north-eastern railway system; the Derry and Enniskillen line unites it with the central railways of Ireland. As the connexions thus formed have so unimportant bearing on matters which it became our duty to inquire into, we think it well to notice the fact, for your Excellency's information.

While touching on the topographical position of Londonderry, we think it important to direct your Excellency's attention to a circumstance to which the evidence, given in our Appendix, in several places refers. The portion of the city and liberties comprising, as we have pointed out, by far the principal part, on the left bank of the Foyle, would seem properly to belong to the county of Donegal, the river being the natural boundary between that county and the county of Londonderry. Now, Donegal is, with the exception of Cavan, the most Catholic of the nine Ulster counties, while Londonderry is one of the most Protestant; the proportion of Catholics to Protestants in Donegal at

Vol. Map, p. 22.

Reid 51 & 52 Vol.,
p. 49, & 5.

Comm 1869

the Census of 1861, having been 3 to 1 (178,182 Catholics to 59,190 Protestants), while in Londonderry at the same date the Protestants were as 5 to 4 (100,782 Protestants to 83,402 Catholics). In the city itself the relative numbers were 12,036 Catholics to 8,839 Protestants of all denominations, those of the Episcopal Church being only 3,657. It is painful to feel that questions of creed should here, as in so many other instances, thus force themselves on the consideration of those whose duty it is to investigate the causes of social disturbance in Ireland. But as, unhappily, such questions have necessarily engaged our attention, in connexion with the riots in Londonderry, we must give the facts connected with them in our Report to your Excellency.

The total population of the city of Londonderry is now estimated at nearly 30,000.

It is a corporate borough, the corporation consisting of a mayor, recorder, six aldermen, and eighteen town councillors. Its magisterial arrangements are distinct from those of the county, and the city magisterial bench consists of twelve gentlemen, with whom has been associated for a short time past a resident magistrate.

The city is possessed of a local police force, embodied under the provisions of the Londonderry Improvement Act, 1848, with which was incorporated the Towns' Police Clauses Act, 1847. The total number of this force is thirty-eight men, including officers. Besides these a portion of the Royal Irish Constabulary force, allocated to the county, is stationed in the borough, about twenty men in all, including four at Waterside.

The inefficiency of the local police for the suppression of riots was so clearly established, by the evidence given before us, as to leave no doubt on our minds respecting it. It was a point as to which witnesses of all classes, parties, and creeds, agreed. For years no second opinion has been entertained about it in Londonderry, and the extracts supplied to us by the town clerk, from a correspondence carried on by him, as the officer of the corporation, which nominated and controlled the force, with the authorities in Dublin Castle—a correspondence commenced in 1851, and coming down to nearly the date of our Inquiry—shows that the municipal representatives of the city throughout the whole period felt the inadequacy of the police in question for the duties that such a body should properly discharge, and were anxious to substitute for it a more efficient force. In drill, organization, and equipments, the men were, on all hands, admitted to be entirely wanting. It is only due to them at the same time to state, that their attention to the ordinary duties of a watch and ward, street patrolling, and the like, was not called in question by any witness, and that the general testimony in their favour, as well-conducted and respectable, was very strong indeed.

One charge—a very serious one certainly—was made by several witnesses, that of political, or politico-religious partisanship, on those occasions on which anything occurred likely to excite such a feeling. Moreover, persons of unquestionable veracity, with peculiar means of knowing the sentiments of the humbler ranks of the Catholic population, expressed the belief that amongst them this opinion as to the partisanship of the force was nearly universal. Having investigated the circumstances, we must, however, say that nothing was presented to us which we could regard as satisfactory proof of its justice. The recommendations which we shall have the honour to submit to your Excellency, at the close of our Report, make it unnecessary that we should say more on this subject.

We now pass to the next part of our Inquiry, namely, "the proceedings taken by the magistrates and other local authorities towards the prevention or suppression of the said riots and disturbances," which necessarily involves the "circumstances" of the riots themselves, and the consideration of these, though first alluded to in your Excellency's warrant, we have, for greater convenience and perspicuity, consequently postponed till now.

We have appended to our Report a map, prepared by the Ordnance Survey Department, of the city of Londonderry and the adjoining district, with the aid of which we hope to make sufficiently clear to your Excellency the local circumstances connected with the riots, and thus to render their general character more intelligible. A reference to it will show that the Corporation Hall stands nearly in the centre of the old city—that is the portion within the walls. It is at a considerable elevation, being ninety feet above the river; the hill on which the city is built rising still higher towards the cathedral, which, as we have already mentioned is its crowning point. Ship-quay street, leading in a south-westerly direction from the river to the Hall, is a steep acclivity, its prolongation, Bishop street, having also a slight rise. Ascending the former, Butcher street runs on the right hand from the Diamond, in which the Corporation Hall stands, to Butcher's Gate, which leads into the Cow-bog, or Bog-side quarter. In the opposite direction, from the left side of the Diamond, Ferry-quay street leads through Ferry-quay Gate, towards the bridge across the Foyle. We may observe that the Bog-side quarter, as its name would suggest, lies very low, the city wall overlooking it at a considerable elevation, from

Census, 1861, and
see evidence of
Dr. McKnight,
3388-3391.

Mr. Gregg, 4716.

11 & 12 Vict. cap.
c. 61; 30 & 31 Vict.,
c. 89.

Inspector Stelfox,
1369, 1611.

Mr. O'Sullivan, 1685;
Mr. McCafferty,
1288, 9; Mr.
Doherty, 2124-
2129; Mr. E. Reid,
4264, 4265, 4273;
Mr. J. C. Carter, 4200.

App. A. Nos. 9, 11,
also Resolutions,
Ev. 4265.

P. McMonagle,
4081-82.
Mr. Bradley, 5414.

J. Emsley, 34, 35;
Dr. White, 3549-
50.

Infra, p. 10, and
references there.

App. p. 22.

No. 1 on Map.

No. 2

No. 2.

No. 9 on Map.

Butcher's Gate to its highest point, viz, the bastion to the south-west of the Walker monument.

The population of Londonderry, in all quarters, is, as regards religious profession, a mixed one, Protestants and Catholics alike inhabiting every district. Within the walls, however, the great majority of the inhabitants are of the former creed; while the Bog-side, which is occupied by the humbler classes, may be regarded as peculiarly a Catholic quarter.

Having stated so much as to local circumstances for your Excellency's information, we now pass to the consideration of the riots which took place, as detailed to us in the evidence of the several witnesses.

The first disturbance to which our attention was called—and nothing in the evidence given on the Inquiry led us to think that any advantage would have been derived from going further back in our investigation—took place on the 20th of July, 1868; and was generally dealt with in the course of the proceedings as the Corporation Hall riot. The history of it is briefly this:—

Parliament was on the eve of dissolution, and Lord Claude Hamilton, and Mr. (now Sergeant) Dowse were seeking the representation of Londonderry, in anticipation of the general election, the former in the Conservative, the latter in the Liberal interest. With a view to expounding his political principles, and securing support from the section of the electors who might sympathise with them, Mr. Dowse decided on delivering a lecture in the town, and with that object obtained the use of the Corporation Hall, which it was customary to engage for similar purposes. The intention was not to allow the public indiscriminately to attend the lecture, but to regulate the admission by tickets, so as to prevent disturbance and to secure for the candidate a fair and uninterrupted hearing. The lecture was announced for the evening of the 20th of July, and in the course of that day information reached Mr. Dowse's friends which led them to apprehend that an attack would be made on the Hall, whereupon they communicated with the Mayor, and requested him to take the necessary steps for its protection. They, at the same time, made arrangements to introduce some fifty unarmed men of the working class into the lobby of the Hall, and the passages, as an additional security. In compliance with the request made to him, the Mayor caused a portion both of the local police and the constabulary to be in attendance about the hour named for the lecture, the local men, about eight in number, being posted close to the entrance, at either side, and the constabulary stationed through the Diamond and Bishop-street, to assist if required. The lecture was commenced at the appointed hour, but shortly before, about a quarter to 8 o'clock, *viz.*, a body of young men, about forty or fifty, left London-street, where the Apprentice Boys had their club-room, in procession, marched down towards the door of the Hall, and as they approached broke into a run and dashed forward. As they did so they drew from under their coats short sticks and bludgeons, with which to force an entrance. The few city police were powerless to resist them, and gave way; but the gentleman taking tickets at the door, Mr. Hogg, a member of a leading firm in the city and a very powerful young man, stoutly opposed the entrance of the attacking party, endeavouring to close the door against them. In doing so he received a severe blow on the head, from a bludgeon, which cut open his face; but the protective body of workmen stationed within the building, rushed to his aid, some of them having extemporised weapons by tearing down the banisters of the staircase, with which they struck at the intruders. The result was that they effectually repelled the attack.

Simultaneously with this attempt to force an entrance into the Corporation Hall, it was attacked externally by a crowd flinging stones and brickbats at the windows. Mr. Bond, *J.R.*, Chairman of the meeting, narrowly escaped being hurt; but the window-shutters being hastily closed, no injury, of any consequence at least, was sustained by any of the auditory.

When this attack on the Hall commenced, one of Mr. Dowse's friends, Mr. John O'Neill, *J.R.*, a Roman Catholic gentleman, who was inside, at once left the Hall, and hastened to an ante-room (spoken of in the evidence as the Round-room), the windows of which open on Bishop-street, over the entrance-door which it was attempted to force. Hurrying to the window, Mr. O'Neill was struck with a stone. Apprehending from what he saw, that serious rioting was likely to occur, he wrote on a slip of paper an order for 100 soldiers, to the officer commanding the garrison; being, at the time, under the impression that the Mayor, who resided in the country, was out of town. His Worship, however, was, in fact, present in the Diamond, where Mr. O'Neill met him shortly after. The military soon appeared; Mr. O'Neill took them in charge, and proceeded with them to the Diamond, where their presence seemed to restore order, at least no further rioting took place that night.

That this attempt to force the Corporation Hall was pre-arranged, and that those

Mr. Bond, 639.
Mr. Hogg, 1099.

Mr. Hogg, 1010-1019.
Sergeant Wilson, 1023, et seq.
Mr. W. Young, 1090.
Sir E. Reid, 4284.

Mr. Hogg, 1045-71.

Mr. Thompson, 32-34, 31s 15023-1037-1103.
Sub-Constable Soreghan, 2717-40.
Constable Kennedy, 3024d.

Evidence, 1109.

Mr. Bond, 689-714;
Mr. O'Neill, 1280;
Mr. Stanford, 1022-43.

Mr. O'Neill, 1360-61.

Mr. Young, 9903.

engaged in it were, to say the least, most culpably reckless of what might have proved very serious, if not fatal consequences, it is impossible to doubt. A number of the bludgeons carried by them, were not only seen in their hands, and described by witnesses as desperate weapons, but were seized by the constabulary and identified before the magistrates as belonging to the party. One of these, we should hope about the worst specimen, was produced to us, and could hardly be characterised otherwise than as a murderous weapon. It was of about the dimensions of the ordinary police baton; but triangular instead of round, the angles notched or toothed like a saw. And being made of oak, a blow on the head from it, aimed with any force, could not fail to inflict a desperate wound. The men who would attempt to force their way, by means of such deadly weapons, into a peaceful meeting of their fellow-citizens cannot be too strongly censured, nor could any punishment, legally inflicted on them, be too severe.

It was sought to throw the entire responsibility of this outrageous proceeding on the society known as the Apprentice Boys—a well-known organisation, the rules of which we have thought it well to give in the Appendix to our Report; and the presence, amongst the rioters, of the governor of that body, together with the alleged fact, that members of it belonged to the party who made the attack, was stated by some of the witnesses, with this object. We could not, on the evidence given before us, attach such a stigma to the Apprentice Boys, as a body; while as regards their governor, Mr. Ferguson, the facts proved go to exonerate him from responsibility for it, and show that he sought to stop the rioters. It being summer, Mr. Ferguson usually passed the night at Moville, a watering-place on Lough Foyle, a few miles from the city, to which it was his habit to go by a steamer that left Londonderry at 5 P.M. He was about doing so on the day in question; but Mr. Stafford, then the Sub-Inspector in charge of the constabulary in Londonderry, having received information that disturbance was likely to occur, requested him not to go, but to remain in town, and should the occasion require it, use his influence with the Apprentice Boys to preserve order. To this Mr. Ferguson assented, and that he did endeavour, though, as it would seem, with no great success, to deter his own party from violence was certainly proved.

Mr. Ferguson's own account of the transaction, and his part in it, was as follows:—He said that he was in the room whence the rioters proceeded; which, though the place of meeting of the Apprentice Boys, was crowded at the time by many strangers also; that they told him they were going to get into the Town Hall; that he tried to dissuade them, but without effect; that they then passed out before him, and he had no more to do with the affair. He did not, he said, see any bludgeons with them, as they went out; but they might have had them. He believed he saw two or three light sticks. Amongst them were "some very prominent members of the Apprentice Boys' Society," but he thought "at least two-thirds of them were parties unknown to him." We should add that he disclaimed all knowledge of the making of the bludgeons, and, indeed, all participation in the proceedings, save for the preservation of order.

This very serious disturbance of the peace, on the 20th of July, we may here observe, does not seem to have originated in any cause of what we might designate a chronic character; save to the extent that standing religious or party animosities may be so called. The heat and excitement of a parliamentary election contest, taking place in circumstances involving more than common elements of local and political feeling, no doubt evoked much, if not the chief part, of the violence exhibited; and it would be difficult to attribute it to any deep-laid scheme of party organization. As we shall have much to say on the evils resulting from this latter cause, we consider it only just to make this observation.

The foregoing account of this riot, or disturbance, of the 20th of July, 1868, in itself explains "the steps taken by the magistrates or other local authorities towards the prevention or suppression" of it. Though some electioneering excitement had previously prevailed in the city, no unusual importance was attached to it; additional constabulary had not been brought in, and till the day of the lecture no one seems to have apprehended any disorder. When the Mayor was then informed that violence was apprehended, he made arrangements to have such numbers of both the constabulary and the local police force as could be spared for such duty, posted in and about the Diamond, so as to preserve the peace. He himself instead of going to the country, where he used to sleep, remained in town, and was present in the neighbourhood of the hall, when the turbulence began. We may presume that if Mr. O'Neill, happening to be in the building when the attack on it was made, had not, under the impression that the Mayor had gone to the country, so promptly ordered the military to the spot, his warship would have done so; and that step, which appears to have been quite an effectual one, was, in fact, the only precaution that anyone in authority could have taken.

Mr. Hogg, 1009-1094

Mr. Hampton, 29-33.

App 19, p. 225.

Inspector Stafford, 1013-1035.

Constable Kennedy, 3043.

Mr. Ferguson, 5116 to 5120.

Mr. Stafford, 1009
5, Sir E. Reid,
4232

Supra, p. 8.

No witness accused the members of the constabulary force, present at this attack, of any failure to do their duty; but those of the local police, placed to guard the doorway, were alleged not to have properly discharged theirs. Considering, however, that they were only a handful of men, who had none of the advantages resulting from drill and discipline, and that the attacking party were five or six times as numerous, armed with very dangerous bludgeons, and backed by a turbulent crowd of sympathisers in the street, we can very easily understand their giving way. The Mayor seemed to attach no blame to them; and some of the constabulary, whose position gave them the best opportunity for observation of what occurred, and whose experience, perhaps, qualified them better than even intelligent civilians to judge of what men so circumstanced might be fairly expected to do, gave evidence of a very favourable character regarding their conduct on that occasion.

From this disturbance of the 20th of July, which, however angry in its character, was fortunately unattended by any very serious consequences, but which several witnesses regarded as the cause of much bad feeling, and subsequent outrage, we now pass to the consideration of the next event in the chain of circumstances which, unfortunately, led at last to the sacrifice of human life.

This event followed very closely on the riot described, being the celebration of the memorable opening of the Gates of Derry, on the 12th of August; a historic commemoration, stated to have first taken place on the centenary anniversary of the day, and, since that period, we believe, regularly celebrated in the city, as has also been the anniversary of the closing of the gates on the 18th of December.

The usual celebration took place on the 12th of August, 1868, viz., a procession of the Apprentice Boys, with banners, chiefly if not exclusively crimson—the city colour—and the cannon belonging to the city clubs, accompanied by the Apprentice Boys, or as it is commonly called the Britannia band, consisting of fife and drums. An important part of the celebration consists in discharging a grand salvo of artillery from the city wall, the point from which the salute is fired being a bastion close to the Walker Testimonial, overlooking the Bogside, which we have already intimated to your Excellency, may be considered a peculiarly Catholic quarter of Londonderry. The celebration was not interfered with, and happily passed off without any unpleasant occurrence.

The nomination of candidates for the city representation took place on the 20th of November, the polling on the 23rd, and the declaration of the poll on the 23rd. In the earlier part of our Inquiry our attention was hardly called to anything connected with these days; but County Inspector Stafford, of the Royal Irish Constabulary, when under examination, mentioned that on the night, as well as he remembered, of Mr. Downe's return, he was informed that the Apprentice Boys had cannon in their gun-room, loaded, as he understood, with broken crockery, or some such material, which it was proposed to bring out, and place in position, with a view to fire on the opposite party. We need not tell your Excellency how shocked we were to hear such a statement, from a gentleman whose position at the time made it likely that he had good information, and who certainly acted on the belief of its truth. We had, indeed, some misgivings as to the fact, especially as Mr. Stafford had not ascertained for himself, by examination of them, whether or not the guns were loaded. It gratifies us to be able to state that the idea was an erroneous one, and that no such murderous design was entertained by the Apprentice Boy party. We see no reason to question the account of the matter, given by the governor of that body when he appeared before us. His statement was that, on the evening of the day in question (the polling day), at about 4 P.M., when Lord Claude Hamilton's prospects of success had altogether vanished, he went, at his lordship's desire, to get his supporters of the working class, out of the town, to prevent disturbance. Lord Claude's committee-rooms were at the Imperial Hotel, in Bishop-street, and the gun-room an old coach factory, was to the rear of the hotel. Mr. Ferguson got some 400 or 500 men, of the class alluded to, to accompany him to the place, where he dismissed them, with special injunctions to return quietly to their homes. On the way, he met a crowd of the opposite party, with tar-barrels, and a stone, flung from the crowd, struck him. This, he said, much excited the men with him; but he and some other gentlemen succeeded in getting them peaceably away, and he returned to his house, where he was sitting with his family, when the panicle of his hall-door were smashed, and a lighted tar-barrel was thrown into the hall. He then went out, and found on returning to the gun-room, that it had been attacked, and a great deal of glass broken by stones, and also that much excitement prevailed there, in the belief that an attempt would be made to carry off the guns. He was himself excited and finding drunken men in the room, "some of the tagging that always follow in the wake of an election, wanting money and drink," he was disgusted, and "took

Mr. Mayor, 2422-3.

Mr. E. Reid, 4990.
Constable Kennedy,
3040 to 3044; Ex-
Head Constable W.
Bailey, 2486.

Dr. White, 3520.
Dr. St. Knight,
4987.

Mr. Herapion, 6150
79.

Mr. Stafford, 1637
to 1655.

Mr. Herapion, 74

Mr. Stafford, 1649
to 1666, and also p.
70, opening par 5th
day's proceedings,
and 1366-7.

Mr. Ferguson, 5221
to 5227.

some of them by the neck, and flung them out of the room." Some quiet people present said they apprehended a recurrence of the attack, and he represented to Captain Stafford that a force of police should be put on the place, and he would have it cleared out. This was done. He was quite prepared to say the guns were not loaded, for he himself tested, with a ram-rod, those of them that were mounted—three or four—there being fourteen or fifteen altogether in the room, for which there was barely space. He saw a number of brickbats, gathered up with a view to rope-l attack, in which they had more faith than in the guns.

On the next (Saturday) night, Mr. Ferguson says that the gun-room was again attacked—it was the night of the day on which the poll was declared—and that he got some people of "moderation" and "intelligence" "to remain there and take what precautions were necessary for the defence of the place." He added—"As to whether they loaded the guns or not, I cannot say, but I say that there were seven or eight people of a quiet, determined disposition, that could be depended on, placed there in the possession of the rooms, during the night, with instructions from me to allow no fellows in there who were drunk."

Mr. Ferguson,
3221 to 3227.

3225

A third attack, according to this witness, was made on Sunday night, but there were none of his party in the room at the time. The constabulary, under Mr. Stafford, resisted this attack, and seized the ringleader, who received two months' imprisonment for it subsequently.

124.

The result of our inquiry into these transactions was to satisfy us that sufficient precautions were taken by the authorities, that the guns should not be carried off by any attacking party and that no dangerous use should be made of them by those in whose possession they were. We must, however, express, in the most emphatic manner, to your Excellency, our sense of the grave impropriety and danger of permitting cannon, of whatever calibre, to be thus left in the custody of a body of civilians, associated too for a purpose which, however legitimate, has a decided party character, in the heart of a populous city, liable to very sudden accessions of party feeling. Under the influence of such feeling, either their ordinary custodians, or those of the opposite political opinions, if they contrived to get possession of them, might commit fearful havoc, at any moment, with weapons of so formidable a character. Indeed, it is hard to imagine anything more likely to be a cause of public insecurity.

Video. Sub-Const.
McDermott, 3023-4.

A couple of days after this, on the 25th of November, Alderman Miller, the present Mayor, was re-elected as Alderman, and one or two tar-barrels were burned, within the walls, by the Conservative section of the people, to signalize his success.

Inspector Stafford,
1074-6.

On the 1st of December, Dr. Babington (now deceased), a gentleman of strong Conservative opinions, was nominated Mayor for 1862, and a similar demonstration was made by his friends. Those carrying the tar-barrels, it was stated, groined before the houses of prominent members of the opposite party.

Mr. Hampton, 78-
25; Inspector Staf-
ford, 1078.

The anniversary of the closing of the City Gates was celebrated on the 18th of December, with the usual accompaniments of banners, music, and salvoes of artillery from the city wall. At this time the constabulary force in Londonderry had been increased to about 100 men.

Mr. Hampton, 109
to 110.

The authorities did not in any way interfere with these different celebrations, which, however, passed off without any riotous consequences.

The 26th of December, St. Stephen's Day, appears to be celebrated, by the Londonderry people, by firing at butts, for amusement; as a natural result, the disposition to use fire-arms becoming general. As one of the witnesses said, "Every person who can muster arms on that day carries them." On the day in question, the Catholic party, actuated perhaps by a desire to make a counter demonstration to those in which their opponents had been indulging, got up a procession, with a band, carrying a flag, about which a good deal was said during our inquiry, and which was produced in court, for our inspection. It was of white silk, with a deep blue fringe, and bore a harp without a crown, with a wreath of shamrocks, and the inscription "Hibernia Flute Band." The processionists forcibly crossed the toll-bridge, to the Waterside, the toll-takers being unable to prevent them. Sub-Inspector Stafford then, for the first time, heard from one of the city police of their doings, and followed them. He found them at Waterside, and tried to get the flag from them, or to have it left at a public-house where they had stopped. Some were disposed to give it, but others would not. They, however, at his request, furled the flag, recrossed the bridge, and, accompanied by Mr. Stafford, passed through Waterloo-place, and Shipquay-place, into William-street, and on to Abbey-street, where he saw it put up. Four or five shots—apparently pistol shots—were fired by some of the crowd on the bridge; and one man was arrested with a pistol, in William-street, where he fired it, within a very short distance of the Sub-Inspector.

Inspector Stafford,
1937, 1999-2000.
1935.

Constable Kennedy,
2067.

Mr. Stafford, 1938-
1945.

Constable Kennedy
3001, 3397.

Mr. Stafford,
1686-8.

Mr. Stafford, 1686-
80; Mr. Hicaption,
181, et seq.

Capt. Plummer, Co.
Inspector, 2293,
3210 to 3244

Inspector Stafford,
1726 to 1732.

Inspector Stafford,
1726.

Constable Kennedy,
3120, 43, 41, 42.

The band accompanying this procession was stated to have played a known party tune—"The Wearing of the Green"—but beyond forcing their way across the bridge, without payment of the toll, for which latter offence some of them were brought before the magistrates and fined, the processionists committed no violence.

On the 1st of January, 1869, on the inauguration of Dr. Babington, as Mayor, some of his partisans again burned tar-barrels, and indulged in groaning their political opponents.

On the 9th of February, Mr. Dowse, who had been petitioned against, was declared duly elected, by the judge who tried the petition, and a large procession was organized, of his adherents, who likewise provided themselves with a band and torches, to celebrate the learned gentleman's success. Some risk of disturbance being apprehended from this demonstration, a meeting of magistrates was called, to adopt measures for the preservation of the public peace. At this meeting it was resolved to prevent those holding the procession from passing inside the city walls; and Mr. Plummer, the County Inspector, received instructions, through Captain Peel, n.x. (who acted with the local magistrates), to post a number of the constabulary under his command—140 men besides officers—at the gateways, and a couple of adjoining points, with this object. Of the force thus posted, 20 men, in charge of an officer, were stationed at Butcher's-gate (leading to the Bogside), where, failing to obtain admittance otherwise, the crowd soon attempted to force an entrance. Inspector Plummer, who, with the resident magistrate, Captain Peel, was in Bishop-street, heard a shot fired in the direction of the gate, and both hurried to the spot, where they found a violent commotion. The Inspector was told that the people outside had rolled up hand-carts, to force their way through the constabulary, but he could not see through the gateway, through which the stones were coming "like a shower of hailstones," some of very large dimensions. Mr. Plummer did not hear any order given to the constabulary to fire. He, however, saw two of the force raise their carbines to do so, and struck down the weapons to prevent them. The men received very rough usage; one had his teeth broken, and another had his eye knocked out. More were cut severely. Eventually the crowd broke through, "in twos and threes," and paraded the town with music.

A number of persons appear likewise to have forced their way in at Bishop's-gate, and the two opposing parties, the Apprentice Boy party and the Bogside or Catholic party, got into collision, not only attacking each other with stones, but also, according to Mr. Stafford, firing on each other, with revolvers or pistols. This officer had to charge the crowd with the bayonet, driving it before him. The Bogside party went off; patrols were established, and kept up till between one and two o'clock in the morning, after which quiet was restored in the city. Notwithstanding the use of fire-arms in the streets, no loss of life or serious injury was found to have been sustained on this occasion, except the injury inflicted on the constabulary, by the stone-throwing at Butcher's-gate.

We now come to the melancholy event of the 28th of April, which resulted in the loss of human life.

On the day in question his Royal Highness Prince Arthur arrived in Derry. No apprehension seems to have been entertained that anything unpleasant would occur; for when the officer in charge of the Royal Irish Constabulary had an interview with the Mayor, Dr. Babington (since dead), as to the force which might be required to keep order, both thought that twelve men would be sufficient. Twenty men, however, were actually put on duty, four being mounted. The Prince arrived about 3 p.m., and drove, accompanied by the Mayor, and some other gentlemen, to the Corporation Hall, where he was to receive an address. From the Hall, to the Imperial Hotel, in Bishop-street, where his Royal Highness was to sojourn, is but a few hundred yards; and a company of soldiers was posted in the street, only, however, as a mark of respect to him. When the Prince drove from the station, the Sub-Inspector marched the constabulary to their barrack, where they left their arms, and then proceeded with the men to Bishop-street, where he placed them in line, to make arrests, if anything should occur. When the proceedings in the Hall terminated, the Prince went to the Imperial Hotel, where he remained some time. On his entering the Hall, a royal salute of twenty-one guns was fired, by the Apprentice Boys, and a second, after the address was read. On his way to the hotel, a crowd, accompanied by the Hibernia Band, and carrying the flag already described, having the harp without a crown, escorted his Royal Highness; and when he had entered, the band continued playing. Amongst the airs, said to have been played by it, were "God Save the Queen," "Patrick's Day," and the "Wearing of the Green." When the Apprentice Boys had fired the royal salutes, they marched, with their band, from the wall, round by Society-street, and the band played "God Save the Queen," in front of the Imperial Hotel. Subsequently, the band played "their own peculiar airs"—amongst them "Derry Walls Away" and "Protestant

Boys." There was a good deal of excitement in the street, but no violence. The Prince, after a while, drove out in a carriage somewhere in the neighbourhood of Londonderry, and did not return till near 6 p.m. The Apprentice Boys had, in the meanwhile, put up their guns, and no disturbance had taken place in the city.

In the course of the day a good deal of anger seems to have been excited, and expressed, not only amongst the Apprentice Boys, but by several highly respectable citizens, at seeing the flag, with the uncrowned harp, borne after the Prince, and also, at some of the tunes played by the accompanying band. The flag, it was stated by one witness, was "haunted" into his Royal Highness's carriage, which was looked on as a decided insult to the Sovereign.

About 8 p.m., Mr. Ferguson, Governor of the Apprentice Boys, was in his office, when, he states, the band alluded to passed, carrying the flag they had in the earlier part of the day. They proceeded, according to the witness, up Shipquay-street, and through the Diamond, playing "Patrick's day," and as they went through the Diamond, which was then greatly crowded, there were shouts for the "Irish Republic." Mr. Ferguson, left his office, and went out. The band went towards the Imperial Hotel, and thence towards the wall. He was at the wall himself when he heard shots fired. "On the return of the band, it went out of the town, through Butcher's-gate, and the result it left after it (in the words of the witness) was excitement and rioting between that and half-past nine o'clock."

Near this hour, 8 p.m., some violent proceedings took place in the neighbourhood of Society-street and Butcher-street, the particulars of which, as well as we could collect them, seem to have been as follow:—The ramrod of a cannon belonging to the Apprentice Boys was carried off, as it would appear, by one of the Bogside people. He was seized by three of the Constabulary, who tried to wrest it from him, when another constable, coming up, they took the man prisoner, and carried him off to their barrack, taking the ramrod from him. Having secured this man, they hastened back to the Diamond, by Ferryquay-street, the town being then in a very disturbed state. Another man of the Bogside party was arrested at this time for making some political harangues, and likewise carried off, to the city police-station, outside Bishop's-gate. The constabulary who made the arrest, returning by Society-street, and down Meetinghouse-row, found a number of people, over a hundred, on the wall, extending down as far as Butcher's-gate, from which point stones were being flung up Butcher-street by an opposing crowd. Those on the wall were of the Apprentice Boy, the others of the Bogside party. There were five of the constabulary then in Butcher-street. The men were ordered by the head-constable to "fix swords." At this time Sub-Constable Soraghan was severely wounded by a stone in the eye. Sub-Constable Michael Reilly was severely cut likewise by a similar missile, and had to go to barrack, from which his officer did not permit him to return. Shots were also exchanged between the parties, and one of the constabulary told us that he himself fired his revolver in self-defence. However, no loss of life or serious injury would seem to have resulted. The constabulary were between the combatants, and the stone-throwing came apparently from both parties.

About the hour named Mr. Stafford, the Sub-Inspector, was informed by one of his men that "there was some rowing going on in the town," and at once hurried to the barrack for his men, but found they were in the streets. He met them near the Corporation Hall, with the head-constable, when he was informed that the force had been violently attacked at Butcher-street. He asked the head-constable had he seen the Mayor (who was with the Prince at the hotel), and was told either that he had failed to see him, or was unwilling to disturb his worship. Mr. Stafford felt satisfied that something serious impended, and was, besides, urged to go to the Mayor, which he did, but found some difficulty in getting access to him. About a quarter to nine, however, he succeeded in getting an interview, when he told his worship the state of the town, saying he "would not be responsible for the safety of either life or property if the military were not sent for." The remonstrances of the sub-inspector, however, were not attended to, and the Mayor declined to call the military out.

Having left the Mayor, Mr. Stafford met one of the city magistrates, Mr. Thompson, who suggested that they should go back to the hotel, and seek another interview, as "several parties had asked him to send for the military." They, accordingly, did see his worship, and both urged on him the necessity for doing so; but he stated that "he did not like to disturb the Prince, and hoped matters would go on quietly," and the troops were not called out.

It was now near 10 o'clock, and there was a crowd of people at the lower end of Bishop-street, and in the Diamond, apparently "a mixture of both parties." Butcher-street was quite clear, but a number of persons had collected on the adjoining wall.

Mr. J. W. Gregg,
4439, 66; A.M.
Mr. Carter, 4945;
Mr. F. Leach, 5816

Evidence, 5333.

184.

Constable Kennedy,
3149, et seq.
Sub-Constable
Soraghan, 2945.
2989.

Sub-Constable M.
Reilly, 3482, 3574.

Sub-Constable T. F.
Dunnell, 3745-61.

Soraghan, 2933.
Kennedy, 3161.

Evid. 1771 to 1793.

Evidence 1793-6.

1844, 1804.

Tel 1799 to 1825;
Constable Kennedy
3152 to 3163.

When Mr. Thompson and the constabulary officer left the Mayor, they resolved to do what they could to keep the peace, and the officer marched his men back to the Diamond, halting them there, and leaving them in charge of the head-constable. Both gentlemen then went over to the crowd to persuade the Bog-side party to go home. Some of them, addressing the officer, said, "Mr. Stafford, we will go home, if you will get the other parties off the wall; for if we go down there we will be murdered." There were from eighty to a hundred of this party in the Diamond, and their direct way to the Bog-side lay through Butcher's Gate, which those on the wall, who were flinging stones, and it was said firing pistols also, from it, had the command of. Those on the wall were of the Apprentice Boy party. At Mr. Thompson's suggestion, Mr. Stafford and he went to get those men away, and saw on the wall over the gateway a few of the city police, trying apparently to drive them up towards the Walker testimonial. Mr. Ferguson came up then, and also endeavoured to get his party away. After a little they succeeded, and as Mr. Stafford thought got all the men into Society-street, and into the gun-room there, at which point he was separated from the others. Believing all was made secure, he returned down the wall, but on his way heard the report of a pistol, and the glass of an adjoining window broken. He turned into Butcher-street quickly, which was now full of people, on whom he called to run away, or they would be shot; but they pelted him with stones, and he had to fly. He hurried back up Meeting-house-row, and by Society-street into Bishop-street; and when near the Meeting House he heard the report of fire-arms. When he got into Bishop-street there was hardly anyone in view; but on getting within twenty or thirty yards of the Corporation Hall, he heard that men had been shot. He then saw a man lying on the flags perfectly still, and another "writhing backwards and forwards." Some of the city police were by him. The officer found his men drawn up on the Butcher-street side of the Diamond.

Evidence 3176 to 3239.

Constable Kennedy, having been with the party left in charge of Head-Constable Davis, gave us the fullest particulars of the firing on the crowd, which we were able to obtain. From his evidence it would seem that, besides the party which Mr. Stafford and Mr. Thompson tried to remove from the wall, another section of those of the same political feeling occupied Bishop-street. When the Bog-side people expressed their unwillingness to risk going out by Butcher's Gate, the constable urged them to go by Ship-quay-street, which would be a considerable round, but they objected, probably from an unwillingness to allow a triumph to their opponents. Shortly after, however, the crowd in Bishop-street rushed down in the direction where they were, firing several shots from revolvers in quick succession. Thereupon the Bog-side mob ran away breaking through the constabulary, in the direction of Ship-quay-street, through which they had previously been urged to get away, but refused. It was at this time that the firing from the constabulary took place, and that the three unfortunate men were fatally wounded.

See also Mr. Maxwell, 3239 to 3264.

Evidence 3239 to 3244.

Mr. John Guy Ferguson (who had become separated in Society-street from Mr. Thompson and Mr. Stafford), stated that he was following the crowd down Bishop-street towards the Diamond, when at the corner there was a temporary halt, and he saw some people near Hagerly's corner. Those in front called, "Put them out of it;" and "there was a little rush of the party towards the corner." He managed to get in front of the crowd to prevent collision between the parties, but found no one in the Diamond. In this position, at least thirty feet in front of the crowd, which in his opinion never went into the Diamond proper, he was when the firing commenced. He saw no shots fired by the people.

It would certainly be difficult to reconcile the accounts given of this part of the proceedings by Constable Kennedy and Mr. Ferguson. We regret to say that we cannot give your Excellency a more satisfactory narrative of what occurred than is to be gathered from statements so little consistent with each other. But we were precluded from inquiring fully into this very serious part of the transactions of the 28th of April, by the fact that a criminal charge was impending over the constabulary for their conduct on the occasion. It would have been impossible for us to pursue our investigation, in these circumstances, without running the risk of prejudicing the case of those members of the force who are to stand their trial. Consequently we had to rest content with the very imperfect account just submitted to your Excellency.

The Mayor, Dr. Babington (now no more), no doubt exhibited insufficient energy and vigilance on this unfortunate occasion. That he should have had great reluctance in calling out the military with any menacing object, on an occasion like that of the Prince's visit, is quite intelligible and pardonable. Naturally he would be unwilling to have the reputation of the city over which he presided as chief magistrate damaged by such a proceeding during the stay there of the Sovereign's son, if it could possibly be avoided; and the general good conduct of the population would of course make him the more

unwilling to admit its necessity. Called as he was from the presence of his Royal Highness, to sanction such a step, much allowance should be made for his hesitation to do so, a hesitation, doubtless, increased by the fact stated to us in evidence, that Mr. O'Neill had been much censured by a portion of the press, and of the inhabitants of Londonderry, for the promptitude with which he had the troops brought out on the previous 20th of July. While, in addition, we had it in evidence that, at the time he was applied to, some respectable citizens of Londonderry, actuated also by a desire not to cause unpleasantness to the Prince, expressed their opinion that the troops should not be sent for. All that can now be said is, that it is much to be deplored that they were not.

Mr. Bond, 222;
Mr. Stafford, 1799,
1799.

Thid., 1791; 1823 to
1830.

The great mistake of the day, however, does not seem to us to have been made at this time. It was committed at an earlier hour, in not taking the most ample precautions against the occurrence of disorder. It was well known that a great deal of smouldering irritation existed in Londonderry, from the time of the election petition trial, only a few weeks concluded. The visit of the Prince was an event attended with peculiar risk, because, while both parties were likely to offer a welcome to him, each was likely, also, to attempt to turn the welcome, so given, into somewhat of a party demonstration, from its own point of view. If the Apprentice Boys were to fire a royal salute in his honour, and to parade their Britannia band, it was improbable that the Bog-side people, with the Hibernia band, would not attempt something of a counter-move. Imminent risk of mutual annoyance and offence was thus probable; and great vigilance and preparation against dangerous consequences were required. The fact that the Chief Magistrate would, himself, be a good deal in attendance on the Prince should not have been lost sight of; and arrangements should have been made specially to provide for such a contingency.

Nothing of this sort seems to have been done. The history we have submitted to your Excellency of the day's proceedings, in our opinion, unquestionably exhibits a want of due precaution. And, as the results were, we can only express our surprise that they were not worse. The constabulary fired a volley in a crowded street; conflicting mobs not only assailed each other violently with stones, but revolvers, it was stated, were freely used by each body against the other—a member of the constabulary who was present at the fatal riots of 1864, in Belfast, saying that the firing was "not so directed at particular parties there." Surely it is matter for rejoicing that a riot of such a character caused the loss of only three human lives.

Ceasaire Kennedy,
3238, 3241, 3260

We are happy to say that this closes the list of riots and disturbances; and we have no further information to give your Excellency, as to the proceedings taken towards their "prevention or suppression."

There remains the last and most important branch of our Inquiry—one which has demanded our most anxious consideration, and which we approach now under a deep sense of responsibility—namely, "whether any and what steps ought to be taken, and whether any and what changes ought to be made, in the local magisterial and police jurisdiction, arrangement, and establishment, with a view to the better preservation of the public peace, and the prompt suppression of riot and disorder."

An examination of the evidence presented to us, at every stage of our investigation, would satisfy your Excellency that a very large subject indeed is opened up, under this final clause of your Excellency's warrant, and one of our chief difficulties, in dealing with it, is satisfactorily to do so without seeming to travel outside the proper boundaries of our Report. We shall, however, try to avoid anything not legitimately within its scope, in the observations and recommendations that we deem it our duty to lay before your Excellency.

From whatever class in life; of whatever opinions, political or religious; official or non-official; native or stranger; all the witnesses who came before us agreed in one point—namely, that the people of Londonderry—apart from special exciting causes—are an orderly, quiet, well-conducted, neighbourly population, and kindly and considerate towards each other. The municipal government of such a population, numbering under 30,000 souls, would seem an easy problem; and that of Londonderry, we were assured, on all hands, would prove so, but for the causes so referred to. Unhappily these causes are not easily modified in their mischievous force, consisting, as they do, in the presence, side by side, of two sections of a community, inheriting traditions of animosity, which engaged their remote ancestors in civil conflict, and placed those of a more recent time in the standing relation to each other of a dominant and a subject caste; while to heighten the difficulty of the case, the city of their common habitation is one, whose heroic defence, at the time of that civil conflict, is the proudest recollection of the one section, while its celebration, for the other, is identified with the memory of not only the reverses and the ruin which befel their side in the struggle, but with that of long after-days of bitter humiliation.

Mr. O'Neill, 1469;
W. Mager, 2351-
12; Mr. Inspector
Pleasure, 2223, 2224,
2225, 2226, 2227,
2228-2232;
Mr. Young, 2029,
Dr. White, 2254,
W. Gallagher, 1672.

As a noble exploit of humanity, as a fine example of fidelity to principle, of unyielding valour, of enduring resolution, no one should wish to see the historic defence of Derry pass into oblivion, or should refuse to do honour to its memory. It is in its double aspect, that its celebration becomes a cause of anger and offence. Of the celebrants, all, at least, are not actuated merely by the just pride in a great achievement, with which every man should sympathize. Of those resenting it, all regard it, and resent it because they regard it, as a triumph over themselves, and an outrage to their feelings, under the guise of reverence for deeds of bygone heroism. That the Roman Catholic population of Londonderry now look on it in this objectionable light, almost universally, the evidence given before us, on this point, leaves it impossible to doubt; indeed, the present state of feeling amongst them appears to have led to designs, on the part of the lower orders of that persuasion, of which we shall have, further on, to speak in terms of very strong reprobation; however we may understand the sentiment in which they have originated.

A highly intelligent and educated witness, himself not of the Roman Catholic persuasion, and sympathizing with the principles of the great Revolution, in sustenance of which the defenders of Derry so resolutely held its walls, pointedly and peculiarly objected to the celebrations of the 12th of August and 18th of December, as commemorative of events occurring in a civil war. Were such a course taken in England, he said, "it would not have been civilised from the days of William the Conqueror. The country would have been broken into factions, and never would have become an united nationality as it is now. No community ever could in any part of the world. Neither Greeks nor Romans ever tolerated the celebration of a civil war victory, nor any other Government that I know of." This special objection, of course, exists to the Derry commemorations, and the statesman, whose duty it is to face together the conflicting elements of a disrupted society, cannot attach too great importance to it. But, it may well be doubted whether the philosophic distinction between those and all other partisan displays is not too refined for the sphere of practical politics. It would be hard to persuade the Derry Apprentice Boy, whom the law prohibited from celebrating with flags and guns, or music, the shutting or opening of the gates, that he was fairly dealt with, if he witnessed a grand ceremonial, on the part of a different section of his fellow-countrymen, with similar accompaniments, in commemoration of an event, or for the purpose of a display, perhaps not less objectionable to him. Laws, but especially laws which, in their practical enforcement, apply to the less instructed, and less reflecting part of the population, must be framed with regard to something more obvious than abstract principles. What is of paramount importance is that they should level all seeming distinctions, and should, in the plain popular estimate, place all men on a common equality.

Keeping this principle in view, we confidently hope that the removal of the primary cause of that ill-will that occasionally develops itself in Londonderry, and brings the members of an orderly and neighbourly population into angry and violent collision, would not be found very difficult, if made the subject of legislative intervention. The Apprentice Boys are strongly attached to the celebrations connected with the memorable siege, and would feel deeply aggrieved at any legislation having for its object their exclusive suppression; while some few, rather than abandon their own anniversaries, profess a willingness to see all kinds of public celebrations permitted by law. But, amongst the members of the party who approve of the present commemorations, we believe the majority, including those of leading position in the Conservative ranks, would be satisfied that the law should forbid all out-door processions and displays, with banners, music, and the like. On the other hand, the Catholics, and generally those opposed to the celebrations, we are satisfied, from the evidence on our Inquiry, are perfectly ready to see such a general prohibition enforced, and would give it their entire and cordial approval. No merely local legislation, to this effect, we are, however, bound to say, would prove of any value. Protestants of all ranks, would bitterly resent it; nor do we think that the Catholic population would be much better satisfied with a prohibition extending no further than their own locality. The only result then of such legislation would be to increase rather than diminish existing evils. In asking your Excellency's attention to these facts, we trust we do not, in any way, transgress the strict limits of our duty. We ourselves feel that we should very inadequately fulfil that duty if we did not submit them for your consideration.

Before we pass from this part of our Report, we feel it necessary to say something on a topic in connexion with which statements of extreme gravity, and, it seems to us, profoundly deserving the attention of your Excellency, were offered to us by trustworthy witnesses. We allude to the state of feeling now prevalent amongst the Catholics of Londonderry and its neighbourhood, on the subject of the celebrations which we have been treating of.

Without entering on a historical disquisition, we may easily assume that, down to a

Mr. O'Neill, 1879;
Mr. McCafferty,
1838-1844; 1858-
1861; Dr. White,
1861, 2; Mr.
Gallagher, 1864;
Dr. Brown, 1860

Dr. McKnight,
1867, 1870

Mr. Touch, 1870.

Mr. Gregg, 1879,
1881; Mr.
McGee, 1881;
Mr. Harbison,
1881, Dr. Miller,
1881.

Mr. Gregg, 1880-
82; Dr. Miller,
1881; Mr. Touch,
1879.

comparatively recent date, very little angry feeling was manifested against the celebrations in question. When the city was very limited in extent and population, when its inhabitants were almost exclusively Protestant, and when such Catholics as had gathered under its walls were poor and few in number, it is easy to imagine that anniversaries, celebrated by those who virtually were the citizens, passed off without opposition. But, as Londonderry increased in extent and prosperity, it, almost of necessity, underwent other changes. Trade and commerce attracted population, much of it from the largely Roman Catholic county of Donegal. Of the immigrants of this class, some had wealth, perhaps; others acquired it, in the pursuits of industry. Legislative enactments concurrently altered the relations of the Catholic and the Protestant; and, gradually, from being an almost exclusively Protestant community, with a few Catholics amongst the humblest class, a large majority of the population is of the latter creed, some of them affluent in means and of good social station, several in comfortable circumstances, and nearly all acquainted, more or less, with the history of events that cause them to look on the local anniversaries as offensive to themselves. Here then we find one reason for the existence of increased discontent with the celebrations.

Another reason we glanced at, in the commencement of our Report. The city of Londonderry, geographically cut off from the strictly Protestant districts of Ulster, has been for some time past brought into rapid communication with those portions of them in which the Orange organization is most general, by the railways to which we have already referred. As matter of private speculation, the railway companies, of late years, have taken to running excursion trains to Derry, on the two historic anniversaries; and this, by causing a large influx of strangers to take part in the proceedings, naturally leads to a more angry feeling amongst the great body of the Catholics of that city, than would exist had they been, as of old, exclusively conducted by their fellow-townsmen. The character of the demonstrations has certainly undergone a change, and, amongst the Catholic lower classes, at least, they are now regarded with the most hostile feelings.

As an instance of the danger to the peace of Londonderry, resulting from this influx of strangers, we may here notice a meeting of Protestants held on the 9th of June 1869, to protest against the Irish Church Bill, then under the consideration of the Legislature. This meeting was very largely attended, and a considerable number of those attending it marched in regular procession, through the town, displaying crimson banners, and having it was stated, one Orange flag, which, however, was not unfurled during the march. After leaving the city for the place of rendezvous, adjacent, the procession seems to have increased in number, one witness representing it as consisting of over 2,000 persons, and stating that, at the time, he had seen estimates in the papers, of those who took part in the demonstration ranging from 15,000 to 4,000. A band accompanied the procession; but does not seem to have played any party-tunes. Here, indeed, we may interpose the remark that it is difficult to say what is not a party-tune in Derry; for the most innocent air, if played by a particular band, assume, at once, for another section of the people, a party character. The fact, of importance, however, for which only we have brought this procession under your Excellency's notice, is that the great number of persons assembled illustrates the dangerous facility afforded by the railway excursion-trains, for concentrating in Londonderry bodies of partisans from considerable distances; a very material circumstance when providing for the number of its police establishment, and also with respect to the payment of the necessary force to be maintained there for the future.

We may, while on this subject, likewise observe that on the 12th of August last—the week before the opening of our Inquiry—the usual celebration of the opening of the gates (as to which we shall have to say more in a subsequent place) caused an unusually large influx of strangers into Derry. Mr. Ferguson said, in giving evidence respecting it, that “there was no street in Derry, hardly, that could have held our procession; we could not turn; it assumed far more gigantic proportions than hitherto.” The excursion-trains, doubtless, were a principal cause of this great increase of celebrants on the occasion. We do not think it necessary to refer at more length to these two events, as fortunately neither led to any actual violence, and they only require notice for the purpose to which we have asked your Excellency's attention to them.

As evidence of the hostile feelings to which we have referred, several witnesses, who were admitted on all hands to have peculiar means of knowing the sentiments of the classes alluded to, stated, in the most unequivocal language, that if no steps were taken by the constituted authorities to put an end to the demonstrations of the 18th of December and 12th of August, bloodshed must be the result, for that the Catholics had extensively armed themselves, and were determined to stop the processionists by force.

We feel indeed imperatively called on to enter at some length, for your Excellency's information, into the facts brought before us respecting the determination of this party

Mr. Ferguson,
3002, 3384;
Inspector Stafford,
1999, 50, 92.
Mr. MacPherson,
2174-8; 416.
McCarton, 4921.

Mr. Hagg, 1874 to
1886; W. Magers,
5330 to 5540; Mr.
Deherty, 5686-
5999.

Inspector Fennell,
2364; W. Magers,
5330-60.

Erskine, 5144.

See also Mr.
McCarton's evd.
4919.

Ista.

thus to prevent the Apprentice Boys' celebrations, and of the measures taken for that purpose. Naturally no circumstance which we had to consider seemed to us so grave in its character as this resolve on the part of a large body of people to take the law into their own hands, and to attempt to put down, by violence of the worst description, any proceedings distasteful to them—least of all, proceedings which may be conducted according to the existing law—instead of endeavouring to procure their suppression, if they should be suppressed, by the action of the Legislature and of the executive authority of the State.

The first witness who referred to any particular date in connexion with the introduction of arms into Londonderry for a party purpose, was Mr. John Hempton, who fixed the month of November, 1868, as the period at which it was alleged that revolvers were bought by the friends of Mr. Downe, as it was put, to enable them "to defend themselves if necessary." We need hardly say to your Excellency that a title of evidence was not given to connect the honorable and learned Sergeant, proximately or remotely, with the purchase or distribution of these or any other arms. Neither, indeed, did we obtain from this witness any clue to the quantity of the weapons said to have been introduced into the city, or their character, beyond a statement that they were revolvers of some sort. He, however, expressed his belief "that everyone who was able to buy a revolver of the working classes got one," though adding that he "had no knowledge of it." He had "often heard it reported that both parties were extensively armed," but he had never seen arms with the Catholics till the night of the procession—namely, that of the 9th of February.

One witness, however, the foreman printer of a local newspaper, entered into details on this subject of a truly startling character. According to his evidence, the arming of the Catholics commenced soon after the night of the 20th of July (that of the Corporation Hall riot). The arms were partly purchased by individuals, and partly by subscription, with a view to distribution, the total number being probably from 1,700 to 1,800 revolvers, of which he thought 1,000 might be distributed in the city, and of these about 500 were purchased from a fund raised by subscription. Ammunition to the amount of twenty-five rounds for each revolver, was, he believed, bought by subscription also, and given away to each of the parties to whom one of the 500 revolvers was given. Of the revolvers some were four-barrelled, some six-barrelled; there were twelve-barrelled revolvers also, but these were only bought by private parties for themselves. The position and character of this witness leave no doubt on our minds as to the general correctness of his statements.

Several witnesses declared that it was the intention of those thus arming themselves to prevent forcibly the Apprentice Boys' celebration of the last 12th of August; and one witness, regarded as highly trustworthy, stated that 5,000 men, armed, were organized for the purpose, 3,000 of them from Bunrana and Inishowen, localities in the county of Donegal, at distances of from twelve to perhaps eighteen or twenty miles from Londonderry, and 1,000 from a place called Muff Glen, in the latter county, about six miles distant, in the direction of Coleraine, of which the population is peculiarly Catholic in religion. Residents of Londonderry constituted the remaining portion.

Of these localities one, Muff Glen, was the subject of some highly important evidence on our Inquiry, to which we would ask your Excellency's attention, as distinctly showing that the peace of Londonderry is menaced by other dangers than those from within. So far back as the 12th of July, 1867, this spot was the scene of an attack by the Catholics (who think it a point of honour not to allow the passage of any Orange procession through the Glen) on a small party of Orangemen, who attempted to cross a little bridge called Tannaherin Bridge, which stands between the Protestant and Catholic districts, and of which the passage is jealously watched. The attacking party beat the processionists and broke and scattered their lodge ornaments. It was expected by the Glen folk that on the next anniversary the Orangemen would again try to violate their territory perhaps in larger force, and it was resolved to prevent any such incursion. The 12th of July, 1868, falling on a Sunday, the Orangemen seemed to have remained at home through respect for the day; but the next day, Monday, a large number of them assembled to march into the Muff Glen territory. They mustered seven or eight hundred, chiefly strangers, not Derry people, and were said to have had from seventy to ninety guns, in addition to small arms. Something like seven hundred of the Catholic party were awaiting them in ambush—four or five hundred at the least—within a sort of natural breast-work; and, like the others, with guns, pistols, revolvers, and other weapons, and it was alleged having field-pieces also. The constabulary, however, though they saw "some good-looking rifles" with them, and picked up some Eley's cartridges on the spot, did not observe these. Sub-Inspector Stafford, not apprehending anything very serious, had gone to the spot early in the day with only fifteen of the latter force;

Mr. Hempton, 548;
but see Magerr,
3684.

Mr. Hempton, 553.

Idem, 569.

Mr. Magerr, 5642
to 1879; see also
A. McCafferty, 1294
to 1279.

A. McCafferty,
1353, 4; 1294 to
1291.

Constable Kennedy,
3643.

Inspector Stafford,
1365.

Mr. Stafford, 1907
to 1868; Constable
Kennedy, 3683 to
3675; Sub-Constable
M. Roffy, 3263
to 3260; Sub-Constable
M. Donald, 3634 to 3661; Con-
stable P. Duffy,
4989 to 4142.

but finding that the antagonistic parties were so strong in numbers and so well armed, he despatched a mounted man for military reinforcement to Derry. Aided by Mr. Fitzmaurice, R.M., he in the meanwhile contrived with his small force to prevent the Orangemen from proceeding, partly by persuasion, partly by breaking their ranks, and contesting the road with them, the Orangemen obstinately trying to go on. The arrival of about a company of infantry made matters safe, and no collision between the two parties occurred.

On the last 12th of July (1869), apprehensions were entertained that an attempt would again be made by the Orange party to pass through the Muff Glen, and Mr. O'Donnell, R.M., was sent there from Belfast on special duty, having with him a force of nine constabulary, and some fifty soldiers. He found about 800 of the Catholic party posted to prevent the passage, whom he knew to be armed, but with the force at his disposal, he thought it more prudent merely to watch the movements of the party, than to attempt their dispersion. None of the Orangemen however appeared, consequently no breach of the peace occurred.

With such distinct evidence as to the extent to which arms were found amongst the people of the Muff Glen, and of the readiness to use them, it is not difficult to believe that the statements as to an armed organisation of 5,000 men to put down the Derry processions (of which the Muff Glen was to supply a contingent of 1,000), have only too good foundation. Most certainly a number of highly respectable and trustworthy witnesses have expressed their confidence that an organization of the kind, more or less extensive, and more or less supplied with arms, exists, and that but for their exertions, and those of the Roman Catholic clergy, coupled with a belief that the Government would soon interpose to stop the celebration of the anniversaries, force would have been resorted to on the last 12th of August to prevent the usual procession. These witnesses also concur in declaring that both they themselves and the clergy will be powerless to prevent the resort to violence on another occasion, and in fact, that they had pledged themselves not to interpose again for the purpose.

As regards this celebration of the 12th of August last, which it was found so difficult to prevent the Catholic party from violently interfering with, we should observe that, previously to its taking place, the mayor and other magistrates—local and resident—in Londonderry held a meeting, to consider what course it was their duty to take in connexion with it. To this meeting a programme of the intended arrangements was submitted, by Mr. Ferguson, the Governor of the Apprentice Boys, who, however, said he could not be responsible for acts of individuals. The programme appearing to the meeting to be such as would render the proceedings strictly legal, was allowed to be carried out; and the mayor and resident magistrates were authorized to make such a distribution of the constabulary and police, as would, in their opinion, enable the celebration to be proceeded with without improper interference from others. A cannon was fired on the city wall, and some party tunes were played by a band that accompanied the celebrants, towards the latter part of the day; but Mr. Ferguson emphatically declared that these acts were done against his remonstrance, and that no breach of faith was committed by the Apprentice Boys, with his knowledge or sanction. He stated that persons entirely unconnected with the Society were the culpable parties. This, however, only shows the more clearly the risk attendant on celebrations, for the conduct of which managers with the best intentions cannot be responsible.

We could not, of course, think of suggesting to your Excellency that menace, from any quarter, should be listened to as a reason for changes in the law, which should only be made from a clear conviction of their justice and expediency. In dwelling at such length on the evidence presented to us, in proof of the exasperation felt by the humbler order of the Catholics in Londonderry, we have had no such object; it was, we thought, absolutely necessary that your Excellency should know the full extent of that exasperation, and the dangers which it threatens, with a view to due preparation for maintaining public order in the locality, under the existing law. But, however little should be conceded to mere threats of violence, the fact that they are resorted to by the ignorant and unthinking part of the population of Londonderry, cannot, of course, detract from the value of testimony respecting the desirableness of putting down all out-door celebrations and displays, offered by the respectable and intelligent citizens of all ranks, creeds, and parties.

The considerations which we have just brought under the notice of your Excellency, we trust not at too much length, have necessarily had precedence of the last question submitted to us, namely "whether any and what changes ought to be made in the local magisterial and police jurisdiction, arrangement, and establishment, with a view to the better preservation of the public peace, and the prompt suppression of riot and disorder."

The present magisterial arrangements of Londonderry were the subject of comment

Mr. O'Donnell, R.M.,
2482 to 2641; 2737
to 2702

Mr. O'Neill, 1381,
2, 1232-1260
A. McCafferty,
1554-1564
K. Lynch, 2328,
2337; W. Maginn,
2585-2590 Dr.
Reeves, 2444 to
2457.

Dr. Miller, 2894;
Mr. McCarter, 4889
to 4915
Mr. O'Donnell, R.M.,
2644 to 2650.

Evidence, 2145 to
2150; and see
statement of Mr.
O'Donnell, R.M., p.
105, 116, 119.

and animadversion on the part of a number of witnesses, and, as regards these, we now proceed to submit some observations to your Excellency.

Amongst the reasons assigned for desiring changes in respect to these arrangements one, which we regretted to find put forward, was the existence of distrust in the impartial administration of justice, by the members of the local bench, in, at least, that class of cases in which political or politico-religious feelings might be supposed to exercise an influence. Distrust of this sort, unfortunately, is easily excited, in mixed communities, in which party spirit runs high, the grounds of it often being very unsubstantial, and we have no doubt such a feeling exists amongst, at least, the lower orders of Catholics in Londonderry, and some, too, of higher position. We felt it due to the magistrates themselves, and of great importance to the public, that full inquiry should be made into the supposed proof of alleged partiality. It seems to us unnecessary here to enter into detail on what occupies a very considerable part of our Appendix, on this subject. The result was to satisfy us that, in point of fact, there was no real foundation for the charges made, though, of course, anything that could reasonably be done to remove the suspicion of partiality, however unfounded, is desirable. If it were possible to add some Roman Catholic gentlemen to the Bench of local magistrates, now very exclusively Protestant in its constitution, we are sure doing so would produce good effect.

It was suggested to us, by all those who complained of magisterial partiality, or alleged that others did, that a resident magistrate—some preferred two such functionaries—should be permanently stationed in Londonderry, who, either alone, or in conjunction with those now on the Bench, should administer justice in the class of cases in which partisanship is said to be exhibited. The presence on the Bench, and joint adjudication, with the unpaid magistrates, of a resident magistrate, was objected to by no one, but generally regarded as desirable. Some witnesses were for the abolition of unpaid justices, and the appointment of a local stipendiary, with powers similar to those of the metropolitan divisional magistrates.

We can find no reason for such exceptional arrangements for Londonderry as to feel justified in recommending to your Excellency this last-mentioned mode of providing for the administration of justice there. As a permanent arrangement, we think it quite necessary that there should be a resident magistrate, and we are of opinion that one would be found sufficient; the city being small, and the general disposition of the people being quiet and orderly. In cases having anything of a party complexion, we feel that it would tend much to increased confidence in the administration of justice, amongst a large portion of the inhabitants, if the adjudication of these cases was left to the resident magistrate for the time being. But we would trust to the good sense and good feeling of the gentlemen holding Her Majesty's Commission of the Peace in the city on this point, and we believe that in a short time cases of the kind to which we refer would be of rare occurrence in Londonderry.

From what we have previously said, we need hardly observe that the police arrangements of the borough need complete alteration. The existing body is, on all sides, condemned, as wholly inadequate to the local necessities. The opinion, in Londonderry, seems unanimous that the proper substitute for it would be a sufficient number of the Royal Irish Constabulary, specially empowered, as in Belfast, to discharge the regular duties of a watch and ward. The only question as to which any difference of opinion existed, amongst witnesses, was what number of officers and men might be required to fulfil the necessary duties. A natural indisposition to having increased expense incurred, for police purposes, by the rate-payers, was exhibited. But, with this, there seemed a general desire to secure adequate protection for life and property, at whatever cost.

The existing local force, we should observe, is maintained at an outlay of £1,360 a year, and evidence was given to show that this is the maximum amount which can be allocated from the rates now legally chargeable on the city. The present force, moreover, will have to be pensioned off by the Corporation, if discharged.

We do not think we should be justified in recommending to your Excellency the stationing in the city of Londonderry of a police force, exceeding the ordinary requirements of any city of similar extent and population, to be charged on the citizens, through an apprehension that its normal state demands peculiar vigilance, or more than common repressive agencies, on the part of those responsible for maintaining order and tranquillity. It will be our duty to suggest that, in certain contingencies, such vigilance will be demanded, and such agencies must be set at the disposal of the authorities. But the body of police to be permanently stationed in Londonderry need not, we think, exceed one hundred men of the Royal Irish Constabulary, with the proper proportion of officers. Of this number sixty should, in our opinion, be chargeable to the city, in the same manner, and to the same extent, as the additional force for the borough of Belfast (in excess of one hundred and thirty men) is made chargeable there, the city being taxed

Mr. O'Neill, 1436,
Mr. Mc Lough,
2946, 7; Mr.
Maggie, 2307-29
Dr. Wilson, 2028 to
2220.

Mr. E. Hall, 4134;
Mr. Tully, 2009;
also examination of
Mr. Warrack, 4025
to close.

Mr. MacPherson,
2107-29.

Mr. J. Casey, 3640,
Mr. Bentley, 3417.

Mr. Delaney, 2154;
Dr. Wilson, 2111;
Mr. W. Young,
2023, Mr.
MacPherson, 2094.
20; Mr. Young,
2023; Mr. J.
McBrat, 3617
Mr. George, 2706 et
seq.

for the payment of whatever extra remuneration should be fixed for their discharge of duties in the municipality, other than those ordinarily performed by the constabulary.

The additional forty men, whom we think it desirable at present to station in Londonderry, we do not consider that it would be fair to charge at all on the local rates. Their presence, for the preservation of order, we look on as called for less by danger to the peace from within the city, than from the peculiar circumstance of its topographical situation, in proximity to two classes of the surrounding population, very apt to come into collision with each other, and either capable of exciting disturbance in Londonderry itself, at very short notice. Whether such a distribution of the constabulary, now placed in the counties of Londonderry and Donegal, may be made, as would enable the city to have the protection of these forty men, in addition to its own proportion of sixty men, we are not in a position to say. But for the reasons we have given, we do not think the citizens of Londonderry should be charged anything for their maintenance.

With the force thus recommended to your Excellency we feel confident that, on all ordinary occasions, the peace of Londonderry could be rendered perfectly secure. But we feel it incumbent on us to say that, in case of the continuance of the anniversary celebrations of the Apprentice Boys, we could not, with the evidence to which we have already requested, in so earnest a way, your Excellency's attention, suggest that it would prove nearly enough to maintain order, or to prevent bloodshed. One of these anniversaries—that of the 18th of December—is now near at hand, and considering that some 5,000 men, formidably armed, are, as we believe, fully resolved to stop its celebration, however meant to be carried out, we need hardly say that the force we have suggested could not possibly suffice for such an occasion. As to the action of the Executive Government, in reference to such a contingency, however, we feel that we have no right to go further than record the facts laid before us, on our Inquiry, which we consider important in connexion with it, and to express emphatically our sense of the danger which they indicate.

The duty imposed on us by your Excellency we have now, to the best of our ability, fulfilled, and we respectfully submit for your consideration the Report we have agreed on. The important topics which it has devolved on us to consider appeared to us to demand, and we have bestowed on them, our most anxious attention, our desire being to suggest to your Excellency every fact and every opinion, disclosed to us in the course of our inquiry, a knowledge of which we thought likely to guide your Excellency, not only in preserving public order, but in promoting social peace and harmony, amongst a population whose disorders are not so much of their own creating as they are the unhappy legacy of a by-gone time.

We have the honour to remain,

Your Excellency's most obedient servants,

WILLIAM A. EXHAM.
JAMES MURPHY.

MICHAEL J. BARRY,
Secretary.

November 30th, 1869.

REFERENCES TO MAP.

1.—Butcher-street.	7.—Pump-street.
2.—Ferry-quay-street.	8.—Ferry-quay-street continued.
3.—Butcher's-gate.	9.—Walker Monument.
4.—Meetinghouse-row.	10.—Imperial Hotel.
5.—Society-street.	11.—The Strand.
6.—London-street.	



MINUTES OF EVIDENCE.

LONDONDERRY RIOTS INQUIRY COMMISSION, 1869.

MINUTES OF EVIDENCE.

FIRST DAY.

LONDONDERRY, TUESDAY, AUGUST 17, 1869

The Commissioners sat at 11 o'clock.

First Day
August 17.

Michael Joseph Barry, Esq., the Secretary, read the Warrant of His Excellency the Lord Lieutenant, as follows:—

"By the Lord Lieutenant-General and General Governor of Ireland.

"SIR,

"Whereas, certain riots and disturbances of a serious character have on recent occasions taken place in the city of Londonderry, and we deem it expedient that inquiry should be made in respect of the several matters hereinafter set forth, in order that such measures should be adopted as may be found necessary for securing the future tranquillity of the city: We do hereby authorize and direct you, William Allen Edmunds and James Murphy, esquires, two of Her Majesty's Counsel learned in the law, to hold a Court of Inquiry at Londonderry aforesaid, on Tuesday, the 17th day of August, 1869, and following days, and to inquire into the circumstances of the said riots and disturbances; the existing local arrangements for the preservation of the peace of the city of Londonderry; the magisterial jurisdiction exercised within it; and the amount, and constitution, and efficiency of the police force which is usually available here; the proceedings taken by the magistrates and other local authorities towards the prevention or suppression of the said riots and disturbances; and whether those authorities and the existing police force are adequate to the future maintenance of order and tranquillity within the city; and whether any and what steps ought to be taken, and whether any and what changes ought to be made in the local, magisterial, and police jurisdiction, arrangements, and establishment, with a view to the better preservation of the public peace, and the prevention, or prompt suppression of riot and disorder, and for so doing this shall be your Warrant.

"Given at Her Majesty's Castle of Dublin, this 11th day of August, 1869.

"By His Excellency's Command,

"(Signed),

"T. H. HUGHES."

Mr. Commissioner EDWARDS said:—My friend, Mr. Murphy, and I have been honored by His Excellency the Lord Lieutenant with instructions to hold an inquiry into the several matters that have been stated in His Excellency's Warrant which has just been read by our Secretary. It is a new matter of history that on a recent occasion, when this city was honored with a visit by His Royal Highness Prince Arthur, riotous disturbances of a most serious and lamentable nature occurred, which resulted in the loss of, I believe, three lives, while other people were maimed or less injured; and it is alleged that this loss of life, which took place, and those injuries, were caused by shots fired by some of the police force, then on duty in this city. Now, it will be no part of our duty to inquire into matters which, it is alleged, may have led to the disturbances that took place, as I have described; but it will be our duty to inquire into, and investigate what did take place—their commencement, the extent to which they

proceeded, and the arrangements that were made by the Magistrates and others in authority to prevent those riots. It will be our duty to investigate those matters, not so much with respect to what took place on the occasion itself, as to afford us the opportunity of making a report to His Excellency as to the measures that in our opinion will be calculated to prevent any such occurrences for the future. It will be also our duty according to the terms of this warrant, to inquire into the existing local arrangements for the preservation of the peace in this city—also to inquire into the magisterial jurisdiction that is exercised within it, and the amount, the constitution and the efficiency, of the police force which is usually available here. It will be part of our duty to investigate the constitution of that force, its numbers, the area within which the duty of that force is carried on; and whether in our opinion it will be desirable to report to His Excellency, according to the information and evidence given before us, that any, and if so, what alterations should be made in the nature of that force. It will be also our duty, as I said before, to inquire into the proceedings that were taken by the magistrates and other local authorities towards the prevention or suppression of the riots and disturbances that have taken place, and to consider also whether those authorities, and the existing police force as now constituted are adequate to the future maintenance of order and tranquillity within this city, and from the information that will be given to us, to advise and report whether any and what steps ought, in our opinion, to be taken, and whether any and what changes should be made in the local magisterial, and police jurisdiction, arrangements, and establishment, with a view to the better preservation of the public peace, and the prevention, or prompt suppression of riots and disturbances. Now, in this inquiry, we have no power to compel the attendance of any witness before us; we have no power to administer an oath to any person, but my friend and I invite every person to come forward and give us evidence with respect to any of the matters that are stated in that warrant. There are several persons whose attendance we can, I may say, command—I mean those over whom the Government authorities have jurisdiction—and we will be very happy if persons will furnish us with the names of those of the class in question, whom they wish to have examined before us, and we will request our Secretary to take the necessary steps to have those persons produced for examination at this inquiry. We invite the local authorities and the magistrates to come forward and give all the information in their power, and we also hope that the local police authorities will attend, and give the fullest information in their power with respect to the constitution of the force, and the other matters set out in the warrant. As to the course to be adopted (I am happy to see professional gentlemen present) I wish to state that we shall be glad to suit the convenience of

THURSDAY
August 17.
Mr. Commissioner
Balfour

the professional gentlemen on all sides, if they attend, as to the hour at which we will sit and rise each day, and as to the arrangement for the production and examination of the witnesses. If any person will give us the names of any individuals whom they wish to have brought forward, we shall ask our Secretary to write to them. I have already said if they are persons over whom the Government authorities have jurisdiction, we shall take steps immediately to have their attendance secured.

Mr. William McLaughlin (barrister).—I may mention to the Commissioners that I have the honour to appear for several persons. I appear for Mr. Alexander Black, Town Councillor, and Mr. William Young, merchant, and a number of persons who were connected with these in religion and politics. I appear, too, for Mr. John Henson, Town Councillor, and I also appear for several other persons—viz., Mr. Charles O'Neill, a member of the Town Council; Mr. Patrick Bradley, merchant; Mr. John Casey, merchant; Mr. James McBride, merchant, and the entire body of their local co-religionists of the Roman Catholic persuasion. I should like to ask the Commissioners whether I clearly apprehend the statement of the senior Commissioner, Mr. Eakin, to which I gave a deserved and full attention, to be, that it is the intention of the Commissioners to go no further back than the riots that disgraced our city on the occasion of the visit of Prince Arthur. As it appears to me, from a glance at the terms of the proclamation first published in this city on Saturday last, that the inquiry is to be connected with certain riots and disturbances of a serious character which took place on "recent occasions," not on any one occasion, and inasmuch as, according to my instructions, the parties who took part in the riots on the occasion of Prince Arthur's visit were practically the same parties in the riots that took place some time previously—parties on the same side, and with the same political opinions—and that the latter riot was a continuation, as it were, and supplement of the former one—I apprehend it is clearly impossible, in investigating the secondary development of the original cause, to avoid investigating that original cause, and thus having all the facts thoroughly investigated.

Mr. Commissioner ERMAN.—When I mentioned the recent lamentable occurrences I did not mean to convey that it was our wish or intention, nor is it, to limit our inquiry to what occurred on that day, which, as far as we have reason to know, was the cause of the present inquiry being held. There may be matters anterior to that well worthy of consideration by us, and we don't mean for a single moment to shut you out, or to shut any person out, from giving evidence with respect to any other disturbance that took place either before or after that, which evidence it would be desirable to have in relation to the several matters stated in the warrant.

Mr. McLaughlin.—Thank you.

Mr. Alexander Crawford (barrister).—I have the honour to appear before the Commissioners on behalf of a person named Moncrieff, whose brother lost his life on the occasion of the last riot. I also appear on behalf of William Craig, whose son was shot. Both have instructed me to appear, and having communicated with the senior attorney who assisted at, and indeed managed the case when it was investigated here before the local authorities, and finding that it would be impossible for him to be here for some days, my attendance before you now is to ask that you will give us an adjournment to enable us to bring before you the necessary evidence. We have had only the notice of one day. This morning the papers for the first time told the hour at which the Court would sit, and it was only on Saturday we learned the day when the Commissioners would commence their duties. I was instructed to ask the Commissioners to adjourn the Court for such a length of time as will give the ordinary notice. I am quite satisfied, if the ordinary notice had been given as at the end of this Court would be crowded by citizens ready to come before you and give you all the information in their power. But

owing to the limited time that has been given for the circulation of the notice, I see an absence of the respectable citizens of the town to a far greater extent than I could have anticipated, seeing the importance of the inquiry intrusted to your charge. It is the ordinary custom to give at least ten days' notice of the intention of the Crown to hold a Court of assize. I would ask the Commissioners to adopt that as a precedent, and allow ten days to elapse from the time the notice was first published. We first learned the time for holding the Commission through the *Londonderry Journal* and the *Londonderry Standard* of Saturday, and even on that day I believe the notice was not posted. The public are not all newspaper readers, though many of them are, and as I said, the public proclamation, as I understand, was not posted so early as the day it appeared in the papers. Under these circumstances, and finding that the senior attorney who had the management of the case is detained at Portadown, and that his services are retained by Mr. Moncrieff for the purpose of having the whole of this matter investigated before the Commissioners, I would ask the Commissioners to adjourn the Court for such reasonable time as they think will enable us to get the necessary witnesses to be produced before them. If the Commissioners think ten days too long a notice, I would be ready to proceed on this day week, or on Monday next with the investigation. I now apply on behalf of the two parties I have named, and on behalf of myself as a citizen, that proper notice shall be given so that we may have the opportunity of getting the necessary parties to give information to the Commissioners upon the matters they are to inquire into.

Mr. Commissioner ERMAN.—Mr. Crawford, it is not our intention to shut out any evidence, and, recollect, we have ample time for holding the inquiry, and, if we see any necessity for it, of adjourning. We have been talking over this matter ourselves, and are very much influenced by the course that was taken on a former occasion, when an inquiry somewhat similar to this was held at Belfast. An application was then made to the two gentlemen who acted as Commissioners—the present Solicitor-General and Sergeant Dawes—to adjourn. It was alleged that very short notice had been given—in fact the notice was of about two days more duration than here. The inquiry at Belfast was very much more extensive in its character—necessarily more extensive—than it can be here; and the two learned gentlemen I have named thought it was not necessary or desirable to adjourn, and I will tell you the reason why. There were certain matters on which really no conflict could take place—namely, the constitution of the police force, its numbers, the duties performed by it, the area over which those duties extended, and matters of that kind, which should necessarily occupy a good deal of time, and were common facts to both parties; and then, while these matters were being investigated, the parties were able to get ready any evidence which they desired to present on matters upon which there was likely to be conflicting evidence on one side and the other—matters, of course, included within the scope of the warrant of the Commissioners. Now, we think the same course can be adopted here. We do not see the slightest objection—on the contrary, we think it fair and reasonable—not to commence the evidence until Thursday morning. A good deal can be done this day and tomorrow. Then, you see, we have the local authorities and the magistrates here. We have the Town Clerk, who must know the constitution of the police force, and, I should hope, we shall have the benefit of his attendance, and his assistance in giving information with respect to the constitution of that force, as soon as possible. We have, of course, on the spot the chief constable or other principal officer of the local police. He can give, I presume, information upon matters we have to investigate. There are some sergeants, I believe, connected with the force (we really know nothing absolutely about it) whom we may be able to examine with respect to the

constitution and duties of the force, and then as to anything that took place on the occasion when Mr. McLaughlin says there were disturbances prior to the 28th of April, or as to the occurrences of the 28th of April themselves—we need not go into those matters until, say, next Monday. Thus, without having to adjourn the Commission, we shall be able to devote Thursday, Friday, and Saturday to those matters, which are common to all parties, and also to others which, to a certain extent, will become matters of inquiry—namely, with respect to the taxation for the police—if an alteration in the force is thought necessary. For instance, it may have so occurred, that the Town Council here may have had in contemplation some of these matters, and then we should have to go into the questions depending on any alterations they contemplated in the police force—how an increased force should be paid, if there was to be an increased force. All these matters can be gone into, which, I presume, really comprise no debatable ground on any side. Then, afterwards, if you should not be ready by next Monday, that would be the proper time to ask us did we not think we should adjourn for a few days; but we think that, between then and Monday, Thursday Friday and Saturday may be very well consumed in matters which must be gone into either first or last.

Mr. Crawford.—I don't know how far Mr. McLaughlin intends to go back. I would not be at all astonished to find an allegation made that the foundation of the riots was at a very remote period indeed, and I don't know that it would not be better to exhaust that branch before we go into the actual riots in which my client has an interest. If Mr. McLaughlin proposes to go back fifteen or twenty years, or to a remote period, I do not think I would ask for an adjournment at all.

Mr. Commissioner EHRMAN.—Mr. McLaughlin would not, I think, ask to go back so far under the term "recent."

Mr. Crawford.—Do I understand that the Commission will not go fast into the last riots?

Mr. McLaughlin.—Perhaps the Commissioners will kindly hear me on the matter before they act on the application of my friend, Mr. Crawford. Now, I may at once allude my friend from any anxiety that may torture his mind as to the antiquarian nature of my researches before you. I will do nothing of the sort he apprehends. I mean to go no further back as regards actual riots than to certain riots that were really the origin, and first edition of the riots of which the "royal" riots, if I may so call them, were the second edition, and in respect of which I had the honour of appearing for those several days, Mr. Crawford being at the opposite side; and, as I presume, Mr. Crawford must have been born as a condition precedent to his appearing, and so he is not yet fifty years of age. I do not see with that explanation that any practical difficulty arises such as he apprehends. But I am with Mr. Crawford—I say it with great seriousness—as regards the necessity of some moderate term of adjournment. No doubt the shortness of the notice has caused the professional men on either side to be more or less embarrassed, but the embarrassment, the nature of which Mr. Crawford has explained so fully, arises, it appears, from the absence of another advocate, a very able man, but not a whit more able than Mr. Crawford; and the peculiarity of Mr. Crawford's case with respect to the particular riots. I am now alluding to—the riots of July last year—the peculiarity in this, that in relation to those riots Mr. Crawford himself appeared, and Mr. Rea—I mention his name with profound respect and some little courage—did not appear. Mr. Rea did appear eight or nine months afterwards on the occasion of the investigation into the death of poor Mansel. Therefore in relation to the first part of the inquiry, or that concerned with the Corporation Hall riots, as I may call them, the absence of Mr. Rea is not the calamity, my friend, for the purpose of obtaining the adjournment, would suggest. With respect to the suggestion of Mr. Commissioner EHRMAN that the inquiry should in the

first instance be into the constitution of the police force, their numbers, the taxation for them, the municipal and other arrangements connected therewith, I think with great respect it would lead to something very like a duplicating of part of the evidence, because the peculiar force of certain considerations with respect to the police will only develop themselves when the inquiry takes place into the riots, with respect to which the efficiency of the police will form part of the transaction. I would suggest to the Commissioners that an adjournment till Friday or Monday will serve all practical purposes—it will serve particularly the matter of Mansel's death—and if it is necessary to have Mr. Rea at that inquiry there will be plenty of opportunity for it, unfortunately, before the Commission concludes. That is all I have to say, and it is better to say it at once before you decide.

Mr. Commissioner EHRMAN.—What we propose to do is not to sit till Thursday.

Mr. McLaughlin.—I think that will do very well.

Mr. Commissioner EHRMAN.—As we now adjourn till Thursday, you ought to give us a list of the persons you propose to examine as witnesses.

Mr. McLaughlin.—Certainly; we have very many witnesses.

Mr. Commissioner EHRMAN.—If there are any of the Government employés you wish to have summoned we would ask you to give in the names as soon as you can to Mr. Barry, in order that he may communicate to the persons that we have given the necessary directions for their attendance.

Mr. McLaughlin.—We are not in a position at this moment to give a list of the witnesses.

Mr. Commissioner EHRMAN.—We don't ask it now, but as soon as you can give it.

Mr. McLaughlin.—A number of witnesses with respect to that particular department of the riots into which, it would appear, the beginning of the proceedings will go do not reside in town. It occurs in this way. On the occasion of the Corporation Hall riots, or rather after it, several of the men gave evidence at the lengthened magisterial inquiry subsequently held, at which Mr. Crawford appeared for one party, and I had the honour of appearing for another. The constitutional authorities, in the exercise of a very wise discretion, thought it necessary to draft into various parts of the country—some very remote—these men. As far as I can ascertain from the ordinary sources of intelligence, Mr. Stafford has also been transferred, in the meantime, to the county of Devon.

Mr. Commissioner EHRMAN.—So far as Mr. Stafford is concerned, I have no doubt we can have him here by Thursday morning.

Mr. McLaughlin.—The same fidelity of communication that exists elsewhere does not exist with respect to the county of Londonberry. The peculiarity of that county is that the railways run round it, not through it. That is really the fact. It is possible Friday night will be better.

Mr. Crawford.—I should just upon the Commissioners—more, perhaps, than I did—the fact that Mr. Rea, when applied to, and knowing, as we only know yesterday, by telegram from Barry, that the Commission would open here to-day, instantly asked for an adjournment of a case in which he is engaged professionally at Portland, and in consequence of that, and the want of notice, Mr. Rea instructed me—and as he is my senior I am bound to take these instructions—and urge them on the Commissioners—that any adjournment for less than to Monday would make it impossible for him to be present at the Commission.

Mr. McLaughlin.—The Commissioners will allow me to say by way of rejoinder to that, that there is, I think, an implied want of respect involved in my friend's application, because although Mr. Rea, his senior, applied to the Curator at Portland for a postponement that he might come here, the Curator in the exercise of the respect due to his court, refused to adjourn; and now the Commissioners are asked to do that which certainly an officer not above Royal Commissioners would not do. It seems to me

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that this is very like, though it is not so intended, a disrespect.

Mr. Commissioner ENHAM.—The Coenett's inquiry was actually going on; therefore it seemed hard to ask for an adjournment.

Mr. McLaughlin.—I believe all the evidence has been given.

Mr. Crawford.—There is, as I said before, ten days' notice given of the holding of an inquest. There was no doubt for many months that this Commission would be nominated. I heard the names of the two gentlemen I have the pleasure of addressing mentioned more than a month ago, and that we were to have a Commission at one time or another was known since the 25th of April or shortly afterwards. There was a perfect knowledge of the intention of the Government, and there could have been no difficulty in giving the ten days' notice required. But it looks as if the Government had some intention to take the people of Derry by surprise. I don't want to make any other observation.

Mr. McLaughlin.—I think it would have been better to have left that for Mr. Roe.

Mr. Commissioner ENHAM.—Do I understand you to say, Mr. McLaughlin, with respect to the men that were here, and that you state were aware of what has taken place, that you require their attendance?

Mr. McLaughlin.—Oh, certainly—in order to show the character of the occurrences, not for the purpose of identifying parties.

Mr. Commissioner ENHAM.—We clearly understand what you want them for; but we wish to know do you mean that you could not go on on Thursday unless you had the attendance of all these men?

Mr. McLaughlin.—I could not go on at all with the same facility that I would go on supposing I had them. I am, of course, entitled to get any evidence that the authorities can give; but my evidence about those riots, will not be confined to the constabulary; we will go into a body of other evidence.

Mr. Commissioner MURPHY.—What would you and Mr. Crawford suggest with respect to the hour of the Court sitting? Would half past ten for sitting be a suitable hour?

Mr. McLaughlin.—(After a conference with Mr. Crawford).—We wish to thank you for thinking of our convenience; it would be our business to suit the convenience of the Court.

Mr. Commissioner MURPHY.—We are entirely the servants of the public, and you appearing on both sides for the public, of course it is your convenience should be attended to.

Mr. McLaughlin.—We think that as a great number of magistrates and leading citizens are at the water-side, and as, perhaps, the boats and steamers do not arrive in time for half past ten, it might be best to say from eleven to four each day.

Mr. Commissioner MURPHY.—Eleven will be a very good hour.

Mr. McLaughlin.—I will endeavour this evening to have handed in to Mr. Barry a list of the constabulary we wish to have as witnesses, but those will not by any means exhaust the list.

Mr. Commissioner ENHAM.—What we want particularly is a list of those you want us to procure the attendance of.

Mr. Commissioner MURPHY.—We don't ask it for our information in the matter at all. You can produce as many witnesses as you like in addition, as can also Mr. Crawford, but where you require the aid of the Commissioners in procuring the attendance of parties we wish you to give us notice of that—that is all.

Mr. McLaughlin.—That I will do.

Mr. Crawford.—Do I understand the Commissioners to say that they will not go at all into the portion of the case referring to the actual riots before Monday—I mean the actual riots of last April?

Mr. Commissioner MURPHY.—It is all probability not. Indeed I may say we will not. If Mr. McLaughlin goes into the matters he referred to, with the other subjects of investigation, we are sure they will occupy till Monday.

Mr. McLaughlin.—I don't intend to make any speeches.

Mr. Commissioner ENHAM.—We don't propose to have any speeches.

Mr. McLaughlin.—I may also mention that, in attending here to elucidate the facts, not only will there be no speeches, but in the examination of the circumstances attending the Corporation Hall riots, as we may call them, there will be no necessity for identifying individuals at all. It is the general characteristics of the riots, and the efficiency or inefficiency of the police with respect thereto.

Mr. Commissioner ENHAM.—Precisely. It is not into the acts of particular individuals, but into the riots that this investigation is to go.

Mr. McLaughlin.—I presume, so far as it is practicable, the matters to be investigated will be taken in the order in which they appear in the proclamation.

Mr. Commissioner ENHAM.—Certainly, as nearly as can be. It is understood that we now adjourn till eleven o'clock on Thursday morning, and that we shall then go on with any evidence Mr. McLaughlin adduces with respect to the riots or disturbances—of course not of the latest date—but recently before the 25th of April of this year.

Mr. McLaughlin.—Presently so.

Mr. Crawford.—I was under the impression the adjournment was to be till Friday.

Mr. McLaughlin.—The Commissioners named Thursday.

Adjourned.

SECOND DAY.
August 12.

SECOND DAY.

THURSDAY, AUGUST 12, 1869.

The Commissioners met at eleven o'clock.

Mr. Commissioner ENHAM said.—Mr. McLaughlin, we got your list, and our Secretary sent notice to every person named in it last night. We have also made to the authorities in Dublin the necessary application to have two persons, one, Mr. Stafford, the other, the Constable O'Donnell, ordered to attend. I don't know when the letters went, or whether the parties may have got them in time to be here this morning, but I am certain they will be here at half-past three.

Mr. McLaughlin.—I have no doubt about it, and in the mean time we can go on, and if the Commissioners please I will now examine witnesses with respect to the Corporation Hall riots on the night of the 25th of July, 1868, which appear to be the beginning of

the series of riots that culminated in the unhappy disaster of the 28th of April.

Mr. Commissioner ENHAM.—Very well.

Mr. John Roe.—What I would respectfully ask would be this—that Mr. McLaughlin should open his case so that we may have the advantage of knowing what he proposes to prove—what object he wishes to arrive at, and what we are to meet. There is no suggestion a violent objection made to what is called "specifying," but I never could see any foundation for it. Where there is an important issue before a court, I think nothing can be more important for the information of the opposing advocate than the statement of a counsel of Mr. McLaughlin's competency and

position. As soon as we had his statement, we would ascertain what we should do for the purpose of making our statement, and producing negativing or rebutting evidence. But if he does not make a statement, but merely produces witness after witness without stating the object, we shall be to a very great extent taken by surprise. We shall see by his making the statement what it is he would ask the Commissioners to report, and it would then be our duty to decide how much of that report we would be inclined to agree to, and how much we were inclined to contest. It might, for instance, turn out that upon certain points there was an agreement between the Corporation and the Government, and that in place of opposing we were here to facilitate, but we complain and complain bitterly if Mr. McLaughlin does not open his case fully.

Mr. Commissioner ERIKSSON.—You will recollect, Mr. Ben, that on another occasion when a somewhat similar inquiry to this was held, and legal gentlemen appeared on each side, the Commissioners did not think it desirable to have speeches, and certainly my friend and I do not think it desirable that we should. We have heard from Mr. McLaughlin already that what he intends to prove is, that not at a very remote period, but at some recent period—going back, as he now says, to the 26th of July last year—note of a serious riot took place in the city of London, and, of course, following that up, either that the magistrates did not take proper steps to put down those riots, or that the force at their command was not adequate and sufficient for putting them down. That is what I understand he proposes to prove.

Mr. McLaughlin.—It may facilitate proceedings if Mr. Ben will kindly say for whom he appears.

Mr. Commissioner ERIKSSON.—That is reasonable.

Mr. Ben.—I appear for Thomas Henry Moncrieff and William Craig, two parties next of kin of deceased persons. I also appear for James Barker, a person next for trial for murder at the next Derry assizes. These are the parties for whom I appear at present, and, of course, I cannot appear for any interest conducting with them, but I may in the course of this day or to-morrow receive instructions to appear for other parties who may have collateral interests; and for the purpose of ascertaining whether I should induce these parties to appear and facilitate the proceedings of the Court, or submit to its jurisdiction, I want Mr. McLaughlin to make a statement, and I would ask the Commissioners not to prohibit addresses, but to permit them at the discretion of the parties who attend here, either for substantial individuals or for broad, false interests.

Mr. McLaughlin.—Mr. Ben has put forward his statement with characteristic strength, but I think he overstates so much for hearing a speech of mine made, as that the fact that it was permitted may furnish him with a precedent for spending the remainder of the month in making speeches of his own. I shall make no speech.

Mr. Ben.—That is not my object; I may, perhaps, not think it necessary to make any speech at all.

Mr. Commissioner ERIKSSON.—The warrant tells you fully what we are to go into. We shall go into nothing that is not in the warrant, and is not relevant to it. You have heard what it is Mr. McLaughlin now intends to give evidence upon. You have the immense advantage that results from his commencing. You will know what he is endeavouring to prove as he goes along, and you will know how to meet it. Evidence was then proceeded with.

Mr. John Hepburn examined by Mr. McLaughlin.

Mr. John Hepburn.

1. You reside in Derry?—Yes.
2. What is your business?—Bookseller.
3. I believe you have been a resident of Derry almost since you were born?—Yes.
4. And you know the city well?—I do.
5. And its inhabitants?—Yes.
6. I believe special circumstances have called your attention to the political feeling locally existing?—I am aware of the political feeling.
7. And I believe you have given some time and attention to local matters politically?—Yes.
8. You are a member of the Town Council, I believe?—Yes.
9. Recently elected—at least two or three years ago?—Yes.
10. Now, of course, you remember the riots that took place on the occasion of the visit of Prince Arthur to this city?—I do.
11. How long is it since you became a member of the Town Council?—Two and a half years.
12. You remember, I think you said, the occasion of Prince Arthur's visit to Derry, and the riots that took place on that evening?—I do.
13. Do you remember any similar occurrence resulting in the deaths of three men, with reference to any other public event in Derry, by violence?—I believe not.—Not by violence.
14. Confining your attention to the last twelve-month, or we will say, thirteen or fourteen months, is political feeling in Derry more excited than it was, and is the peace of the city more endangered than it had been previously?—Political feeling has been most excited after Mr. Dowse won the election.
15. That election, I believe, took place in the latter part of 1868—November?—November, yes.
16. I believe from the time Mr. Dowse made his appearance in Derry till the time of the election public feeling was increasing as excitement?—Yes, there was excitement at the beginning of the canvass.

17. And I believe the excitement gradually increased as the canvass went on?—It may have done so.

18. But is it not the fact that it did?—I could not charge my memory. I recollect there being used during the canvass.

19. I believe you served your apprenticeship to be an attorney?—Yes.

20. I believe you have a very extensive acquaintance with the people by reason of having a bookseller's and stationer's shop, to which people generally resort?—I know most of the people of the town.

21. Now, from the time that Mr. Dowse's canvass began in summer last, did you observe an increase of local excitement?—I could not possibly charge my memory with it.

22. But as far as your observation went?—I know that interest increased very much as his canvass went on.—naturally.

23. I may ask you, with great respect to the nobleman I refer to, if the opposing candidate was Lord Charles Hamilton?—Yes.

24. And he was supported by the Conservative party, including the Apprentice Boy party?—Yes.

25. Do you remember the occasion on which Mr. Dowse gave a lecture at the Corporation Hall on the 20th July, 1868?—Yes.

26. Do you remember a certain riot taking place on that occasion?—I do.

27. I believe you saw portions of the riots yourself?—I saw the commencement of them.

28. I believe an attempt was made on that occasion by the Apprentice Boys—and that is why I mentioned them—to break into the Corporation Hall by force?—Yes, I saw them doing it. I saw the attempt made by the Apprentice Boys.

29. You have already hinted it suggested that you were an Apprentice Boy yourself?—Yes.

30. I believe you were in point of fact?—Yes.

Witness Day
August 13.
Mr. John
Hampton.

31. In that capacity did you know those who were Apprentice Boys?—Yes, I did.

32. Did you see parties of the riot at the Corporation Hall that day?—I did. I did not acquire my knowledge in the way that Commissioner McLaughlin says. I have my knowledge of these parties being Apprentice Boys from seeing them always acting as such; and I have seen them always acting among the Apprentice Boys attempting to break in the Town Hall.

33. Now, certain parties opposed to Mr. Devine attempted to break into the Hall?—Yes.

34. Mr. Commissioner EHRAM.—Of what description was that party, and about what was the number composing it?—They were young working men, about forty or fifty—came out of London-street in procession, marched down opposite the wall at the hall door of the Town Hall, and as they approached it they broke into a run, and rushed forward. The borough constables were outside; they went on each side, and the men attacked the door; and the crowd then became very dense about it, and I could not distinguish anything further than the jostling and the sticks. The borough constables were outside the door to assist in keeping the hall, and when the running people came down and rushed forward they of course left the way for them, to give them an opportunity of beating in—I believe one of them got in.

35. To give them an opportunity?—I saw it.

36. Mr. Commissioner MURRAY.—Did the borough constables leave the position that they were in for the protection of the Town Hall?—They spread on each side. I suppose they did not want to be struck by the sticks. The other police were standing along the line of the procession.

37. The constabulary?—Yes, as the procession passed on down the constabulary were standing here and there along the pathway.

38. They saw that procession coming down and rushing forward?—Yes.

[Mr. McLaughlin here handed up to the Commissioners a map of Londonderry, showing the relative positions of London-street, the Town Hall, &c., on which the witness pointed out the various localities in question.]

39. Mr. McLaughlin.—Now, you spoke of those young men who came in procession marching out of London-street?—Yes.

40. Do you know out of what part of London-street they came?—I did not see them coming out of the gateway, but I know where they were assembled.

41. At that time there was opposite Attorney McIntyre's in London-street a ball-room or lodge-room occupied by certain young men?—Yes, and the cannon were there.

42. And those were the cannon that belonged to the people that we will not call the Apprentice Boys?—Yes, the club. I saw the Governor of the Apprentice Boys among them a few minutes after that there was a stone thrown up at the Town Hall window. I was in my house, and he appeared to have been leading them. I can name the parties. I saw the procession of men headed by a person called John Donald, and in that crowd was a person called Charles McAuley, and other persons whose names I do not recollect. That crowd after their attack on the hall-door came round opposite the front of my house.

43. Mr. Commissioner EHRAM.—About how many individuals would you say were in that crowd?—There might be about thirty.

44. Tell us about the hour of the day or evening it was?—The attack was made, I think, at a quarter to eight, and this would be about twenty minutes after. The procession came round, after being repulsed from the Hall, opposite my door; and that was what I wanted to explain.—That I saw Donald acting as a leader, calling out party cries for Lord Claude—the same person that headed them—and it was then and not before that I saw the Governor among the Boys. He had not been in the procession, but he came in. It is not from my knowledge that I call him the Governor.

There was no Governor known at the time I was among the Apprentices. It is a modern office.

45. First tell us what they did at the Hall when they made the rush?—They made a rush and endeavoured to force their way in.

46. Mr. McLaughlin.—Could you observe had they anything in their hands?—I could not charge my memory, but that was proven on the trial.

47. Mr. McLaughlin (producing a notched shotgun).—Did you ever see that before?—I did, or saw something like it.

48. You saw the party coming down and making the attack?—Yes.

49. Were you present afterwards at the magisterial inquiry, when you remember all these things were produced?—Yes.

50. You saw those making the attack?—Yes.

51. And you saw them, as I caught your answer, rushed?—After a long time they came round, evidently kept out. I suppose the door was kept shut on them. I did not stay.

52. Do you happen to know of your own knowledge who the man was that was at the door that night?—I left Mr. Hogg in charge of the door.

53. Is this the man [pointing to a person in court]?—Yes.

54. Your house is about ten yards, I suppose, from the Corporation Hall door? [Witness points out its position on the map.]

55. Now, where were you in your house when you saw this?—In the front window above stairs, having a view of the whole Diamond—at least that side of the Diamond.

56. How long did you remain there?—About ten minutes.

57. During those ten minutes did you observe anything with your own eyes going on in the Diamond, in the way of riot or anything of that sort?—No—at my side of the Diamond.

58. Did you afterwards go out to the streets?—Yes; I came down and went to the Town Hall, several times, out and in; but I was not present at the time the windows were broken, so I did not see that riot.

59. But I believe you subsequently saw the windows fractured?—I know the Corporation paid for it.

60. Were you on the Batchelor-street side of the Diamond that night?—I think not.

61. Do you remember subsequently seeing, at the Mayor's office this man Donald, whose name you mentioned?—Yes.

62. That was on the same occasion when you saw this?—I cannot recollect.

63. Do you remember anything happening to yourself shortly after that in the way of threats or anything of that sort?—Nothing, except on the day of the election. But they broke my windows that night of the riot, and once more subsequently too.

64. Mr. Commissioner EHRAM.—Now after that occurrence, between that time in July last year and the 12th of August following, can you yourself say that you saw anything occurring in the streets, or heard anything that would enable you to say that excitement increased?—I could not possibly recollect anything of the kind.

65. Mr. McLaughlin.—From the 20th of July to the 12th of August was public feeling and excitement increasing?—From the 20th of July to the 12th of August is a very short interval, in the interval there were rumours issued for the attack on the Hall. Pending the proceedings everything kept quiet.

66. The 12th of August in Derry, I believe, is a day on which there are usually processions and firing of guns, and things of that sort?—Yes.

67. Then on that particular 12th of August that occurred immediately after the 29th of July, after the attack on the Hall and before the election, do you know whether there were any processions and firing of guns?—Oh, there was firing of guns.

68. These were the guns of the Apprentice Boys?—Yes. I was up among them.

69. Did you see any of the persons who fired them, whom you could identify as being the persons who made the attack on the Hall? Do not give the names?—Yes, I went up to see them.

70. Mr. Commissioner ELLIOT.—Was it the cannon described as the Russian trophies, or Corporation cannon, or a third class of cannon that you saw fired on that occasion?—The guns of the club.

71. Mr. McLaughlin.—Do you know of your own knowledge whether or not there were any displays on or about the 1st of December, 1868?—I think that the election of Alderman Miller was before that, but I recollect distinctly that on the 1st of December there were tar barrels.

72. I believe the nomination proceedings took place on the 30th of November?—On the 30th of November was Alderman Miller's election.

73. The nomination proceedings took place on the 30th of November?—You are speaking of the city election. I was speaking of the municipal affairs.

74. I am talking of the parliamentary affairs. The polling took place on the 23rd, and the declaration on the 23rd—am I right about it? Now I may ask you, I believe the excitement continued to increase up to that?—Yes.

75. Then on the 25th of November, two or three days after the declaration of the poll, I believe there was the election of the gentleman who is now mayor?—The 25th of November was Alderman Miller's re-election.

76. Alderman Miller is the present mayor of the city?—Yes.

77. Now do you remember anything in the way of rejoicings or anything of that sort taking place on the occasion of Alderman Miller's victory over Mr. Bigger?—I am not so certain of that; but I am certain that on the 1st of December tar barrels were carried about this town.

78. What was that business on the 1st of December?—The Corporation nominating Commissioner Bellington as mayor for this year.

79. Tell what happened on that occasion?—Tar barrels were carried about the streets, cheating at some houses and grouting at others. This was not the municipal election; it was merely the nomination of the mayor.

80. I have a particular reason for asking you whether or not you saw the procession with the tar barrels inside the city?—Yes, past my own door.

81. That is inside the walls?—Yes.

82. And I believe they were taken up Pump-street, and the late mayor lived there?—They went generally through the town, inside.

83. Do you know whether these people with the tar barrels, after comprehending the late mayor, went to the houses of any other people of different political views and made any manifestations?—

84. Mr. Box.—Did you see them opposite the house of the late mayor?—Oh, yes, a tar barrel was up there. It was either on the day of Mr. Bellington's nomination, or the day of his coming into office after. I did then go out more, and I did see the barrel up in Pump-street a second time; and on that occasion there was one brought up, and I was grouted at at my own door. I can name the boy that did so.

85. Mr. McLaughlin.—Was it the 1st of December, the day when the corporation nomination took place, or the 1st of January, the day of the election?—The tar-barrels were on both occasions, and I think they were also on the occasion of the election of Alderman Miller, but I cannot say anything about that.

86. Were those tar barrels on both occasions burned in the streets within the walls?—Oh, yes, in great numbers.

87. Do you know of your own knowledge anything about the burning of tar-barrels and grouting before the doors of Dr. Browne and Dr. McKnight?—No.

88. I believe Dr. Browne and Dr. McKnight were

the supporters of the opposite party?—The Standard office was opposite Dr. Browne's house. The Standard was the advocate of the Liberals. The late mayor's was further up, and Alderman Miller's was further up too.

89. Alderman Miller lives in the same street?—Yes.

90. And I believe the convent is between the Standard office and Alderman Miller's house?—Yes.

91. Coming up Pump-street towards the church, the first of the houses we are anxious to identify on the left is Dr. McKnight's house?—The Standard office.

92. Dr. McKnight is editor of that paper. The next house is the Catholic convent?—Yes.

93. The next house is the office of the *Lansdownery Sentinel*?—Yes.

94. The door above the Standard office?—Alderman Miller's, the present mayor.

95. And then the late mayor lived in the last house on that side?—Yes.

96. I believe the next occasion of local excitement was the election petition?—Yes; in February.

97. I should ask you before you pass away from the displays of the 1st of December, 1868, and 1st of January, 1869, whether you knew any of the persons that took part in these displays?—The tar-barrels?

98. Yes?—No, I did not go in among them, but the 18th of December intervened.

99. I believe the 18th of December is another anniversary?—On the 18th of December the same procession came past my door publicly in daylight, grouting, the procession with the cantons and flags and music. It was not the tar-barrel affair.

100. The 18th of December, I believe, is the anniversary of the shutting of the gates?—Yes.

101. And the 12th of August is the anniversary of the opening of the same?—Yes.

102. And on the 18th of December you saw a similar procession coming past your own door?—A procession, but not similar to the tar-barrels at all.

103. No, the similarity attaches to the 12th of August. Now, kindly tell the Commissioners the particular nature of this procession—what you saw?—It passed on these occasions about three or four times. On each occasion it is headed by a band.

104. Just say what it did on that occasion?—On that occasion it went as before with its banners, music, and grouting, and, being subsequent to the election, they honoured me with a salutation of grouting as they passed—and more than one time of the day.

105. You saw all this with your own eyes?—Yes; and heard it.

106. Can you say what the music was?—Do you mean the tunes?

107. Yes, as far as you know?—No; I do not recollect.

108. Now the flags—what were they like?—Mostly red flags.

109. That is common?—Yes.

110. You saw those that took part in that procession of the 18th of December?—Yes.

111. Having disposed of the year 1868 and the first day of 1869, I believe there was a great deal of local excitement here at the time of the election petition?—Yes.

112. That is, the petition against Sergeant Downe?—Yes.

113. In the interest of the unsuccessful candidate?—That is what made all the excitement, because he did not succeed. All the excitement arose after Hamilton losing the town. As they began to see they were about to lose they got very angry at the approaching defeat.

114. Then the local excitement increased after the election?—The excitement of the Protestant party going about the streets.

115. Now you have said public feeling between the two parties was increasing?—I never had much opportunity of observing any but the one.

116. What do you mean by the one?—Hamilton's party. They were always on the street up and down

SEVEN DAY.
August 19.
Mr. John
Heapton.

Seems that
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Riordan.

put my place, generally passing my door about the time the greatest excitement was prevailing.

117. What time was that—the petition?—I could hardly give you the exact date. There were several times the mob was more violent than others. They generally passed the door and called in names to me.

118. Mr. Commissioner EXHAM.—Do you mean this during the time of the election petition or before the Judge sat here trying it?—Both before and after it.

119. On those occasions what was the average number of the groups in the street?—They go about in groups varying in number.

120. What was the largest?—The largest was on the 18th of December. On that occasion they passed by the shop from time to time, occasionally came up and endeavored to annoy me.

121. On those occasions about what was the average number in the groups?—They varied from four to six or eight.

122. And was it in the evening?—Generally.

123. And were those groups composed of men principally, or were there women and children?—No women, the parties that go in the common procession.

124. Mr. McLaughlin.—Confining yourself to the period of the election petition did you observe that description of annoyance going on?—I do not recollect anything particular during the election petition.

125. Do you recollect the 14th of February, the day on which judgment was given on the election petition?—Oh, I recollect the day of the judgment.

126. Tell exactly whether there was any procession that night?—Yes, I saw a band, I think it is called the Hibernal Band. They were down at Clarendon-street and Rossmore-street.

127. Clarendon-street and Rossmore-street are, I believe, outside the walls?—They are.

128. What were they doing when you saw them?—They were going along with torches and playing their music. That was the night the police were on the gates.

129. Those people, I believe, were the Dewe party?—Yes.

130. Now, did you see any of those people inside the gates that night?—I looked out of the window at one time, I think the ones that some of them burst through Bishop's-gate, and I believe some of them passed the corner door by where I live, but not fronting my house. I was in my house.

131. Mr. Commissioner EXHAM.—Did you see them inside the walls, this crowd of outside people?—I saw some of them.

132. Mr. McLaughlin.—You say you saw them first in Clarendon-street outside the walls?—When I went out after some time.

133. Were the people that you said had got inside as numerous as the main body that you saw in Clarendon-street?—No, for the band was not there.

134. Now do you happen to know—you have already told me so—that on the nights of the 1st of December, the 1st of January, and, as you believe, on the night of the 15th of November there were processions made the gates with torches?—There were certainly on the day of the nomination, that is, the 1st of December, I believe, and also on the 1st of January. The torches went about the Diamond and Pump-street, and many other streets.

135. Do you know whether or not these processions of the night of the 9th of February, being the Dewe party, were prevented from coming in by the authorities?—I saw the police at every opening. I could scarcely get through myself.

136. Mr. Commissioner EXHAM.—On all or either of these three nights did you first of all see the police yourself at any and which of the gates?—No.

137. Did you hear from any person in authority—any of the magistrates or the heads of the force—that police were stationed at those gates, and if so, with any and what instructions?—I never heard of them being stationed except the ones.

138. And when was that?—On the night that

Dewe's petition was decided. On any other occasion the police were over at the gun-room, and that was the Saturday after the election.

139. Come to the 14th of February. Did you ascertain that from any of the magistrates or the police authorities?—I merely saw them. I went through, and could scarcely get through amongst them.

140. What night was that?—On the 14th of February.

141. At how many gates did you see the police that night?—At three. At the time I went to the fourth they had left it. They were called away to the other that was attacked.

142. First tell us the names of the three gates?—Butcher's-gate, Shipquay-gate, Bishop's-gate; and I think I was at another gate too.

143. Were they the local police, or were they the constabulary?—Constabulary. They were at every opening except at the Ferryquay-gate, and the reason I was told they were not there was that they were called away to a riot at Bishop's-gate.

144. How many?—Just sufficient to fill it up in double rank. When I wanted to get through Bishop's-gate, the sergeant bid me go another way, not to go out that side, but through a little passage, through which he let individuals pass.

145. Did you ask the police, or did they tell you, what they were placed there for?—No.

146. And you saw them keeping out the people that were wanting to get inside the walls?—No, I did not see the attempt made by the people to get in, but I said I could scarcely get through.

147. Mr. McLaughlin.—Now, the people that you saw rushing down by the Diamond on that night of the 9th of February, were they numerous?—I think not. It was dark, and from my house I could not distinguish them. They had crossed the corner. I merely put my head out of the window for a moment. They were not rushing; they were walking along orderly.

148. Do you know a street called Society-street?—Yes, I do. Society-street leads from Bishop-street to the wall.

149. Now, at the corner of Society-street there is a building which was originally a coach factory?—Yes.

150. Do you know how that building is occupied at present?—It is empty. Miss Foy wants to set it.

151. Do you know how it was occupied at the time of the election petition?—At the time of the election I went round to it that Saturday. There was going to be a riot, and I heard the guns rattling inside of it—the claims.

152. Do you know of your own knowledge how many guns were in there?—I never was in there.

153. On the 28th of April do you know of your own knowledge how that building was occupied—the old coach factory?—No, I never was in the house further than to the gate one day, when Mr. Wilson, the Conservative attorney, asked me. I never went there but one day at his request.

154. Do you know whether it was occupied on the 28th of April?—I do not know anything of it personally.

155. Was the old coach factory occupied in the same way on the 28th of April that it was occupied on the occasion?

156. Mr. Commissioner EXHAM.—He said that on the former occasion he heard the sound of cannon?—Witness.—It was a sound of mounting cannon I was quite familiar with.

157. Mr. Commissioner EXHAM.—On the 28th of April did you hear the noise of individuals inside that place?—I was not there at all. The procession came out of it, I believe.

The Court then adjourned till eleven o'clock the next morning (it being suggested that a meeting of the Corporation, in respect to the local police, was being held and that the adjournment might facilitate the objects of the inquiry).

THIRD DAY.

FRIDAY, AUGUST 30, 1869.

Mr. John Hempton's examination resumed by Mr. N. Laughrin.

THIRD DAY.

August 30.

Mr. John Hempton.

158. Now, Mr. Hempton, you told us all you know so far as the questions gave you the opportunity about the riots of the 20th of July—the Corporation Hall riots?—On the night of the lecture—I think so—all that was asked of me.

159. Do you wish to add anything as regards matters of fact to anything you said yesterday about the Corporation Hall riots?—Nothing further.

160. With respect to the proceedings of the 13th of August, 1868, have you anything to add to what you have said?—Nothing further than that that procession was coming off the walls acted in much the same manner as the other day, calling at my house, crying out "Landy," as they did on former occasions. When they have these celebrations they act much alike.

161. You see not to name any individuals, but can you tell us of what party that procession was composed?—It was composed of "Apprentice Boys," including those that attacked the Hall. I watched them particularly.

162. Had that procession flags?—Yes.

163. Had that procession banners?—They had, and a band.

164. Had that procession any insignia in the way of personal ornamentation at all?—They generally wore red ribbons—they always wear red ribbons.

165. Did you see them pass through any street or streets?—They passed my own door, The Diamond.

166. Did you see them afterwards at all the same day?—I think they passed four times generally.

167. Had they any music?—Yes, a band, in the evening.

168. What sort of a band?—The same as that that played through the town last night. They came up just my door groveling and cheering last night.

169. Do you happen to know what tune they played?—They played "No Surrender" last night.

170. That is the Britannia Band?—The Britannia band—it is the Apprentice Boys' band, and they had two or three hundred in front of them last night—a body-guard. They came up cheering, and when they came to my door they cheered, and some groveling.

171. Do you know as a matter of fact—if not don't state it—whether the city police were in that crowd last night?—The city police I could not see that night, but the city police always form the vanguard of the processions of the Apprentice Boys on the anniversary.

172. Do you remember seeing the city police, or do you know of it, on the 25th of November following, the occasion of the election of Alderman Miller in opposition to Mr. Bigger?—I don't recollect. My recollection is not clear about that celebration. That was only a far barrel affair.

173. Do you wish to add anything to what you stated yesterday as regards the proceedings of the 1st of December, being the day of the election of the late Mayor?—No, nothing. On the election of the Mayor and on his taking office there were two displays of the tar-barrels in the streets.

174. Do you know what parties or party—giving no names—took part in those two displays?—I could not identify the individuals.

175. Do you know generally?—Of course they were the Conservative party.

176. Perhaps you could more limit the description—did you hear any cries?—I could not recollect any. I used to hear cries about "Claude" and "Dowse," but they were Claude's friends.

177. Repeat, if you please, the cries you heard?—I cannot change my memory with the words on those particular nights.

178. Could you not give the cries generally?—No, I did not take a note of them.

179. Are these celebrations frequent?—There have been eight or six this year.

180. We come to another now. We have been speaking of the 1st of December. I asked you yesterday something about the 18th of December. Was there a celebration on that day corresponding with the celebration on the 12th of August?—I think it was later.

181. On the 9th of February, being the night on which there was the rejoicing for Down's success, the procession was prevented getting inside the city. Were you at Bishop's gate yourself?—No, not at the time the procession came.

182. Will you kindly tell the Commissioners now, in your own language, what you did see that night yourself, observing the best order you can as to time, place, and circumstances?—I stayed in the house. I think till nine o'clock, and about that time, so far as I can remember the hour, a small party of them passed down through the Diamond, and a while after that when I thought things were quiet, I went down to Foyle-street, and I saw the procession at about Ship Quay-place.

183. Was the procession that was then coming along towards Ship Quay-place outside the walls or inside them?—They were outside all the time I saw them, and I went round with them along by Waterloo-place. I saw them in Rossville-street. I afterwards saw them in the direction of Cherraden-street; they had torches and bands, and were firing pistols in the air.

184. The Helensia Band party?—They were firing pistols in the air.

185. Now, when you first saw the processions coming towards Ship Quay-place, were they coming from the Rossville-street direction or from the bridge side direction?—I think they had come up from the Strand.

186. Then I suppose in coming from the lower part of the town along the Strand, towards Ship Quay-place, they would come through Waterloo-place?—It was at Waterloo-place I recollect coming up to the procession.

187. And Waterloo-place and Ship Quay-place adjacent?—Yes.

188. Now, coming from the place from which they did come, so far as you observed, were they still outside the walls?—Yes; they were not inside the walls.

189. You know the position of Foyle-street with respect to Ship Quay-place?—Yes.

190. Did you join the processions there—did you go into the street where they were?—I do not remember them in Foyle-street at all.

191. Where did you join them?—At Waterloo-place. I made across the street and came up to the head of Rossville-street, at the end of Edin-square. It gave me a short cut. I saw them pass. I want to see them pass.

192. Point out to the Commissioners the street that used to be called the "Cow Bog"—it may be on the map, the "Long Bog." What is the date of the map?—This is O'Hagan's map, the date is 1847.

193. Now, you see a gate there called the New Gate, or, I believe sometimes it is called the Castle Gate?—I see Castle-street here.

194. That runs from Castle-street, where the newspaper and post office are, under the walls, and then down to "Cow Bog"?—Yes.

195. Then, if you go down through the Castle-gate towards Rossville-street, the shortest way would be to go through the gate, down the little bit of street that connects the street with William-street, then turn a little to the left, go down Harvey-street to where it

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joins the street that runs crossways and past into Eden-place, Eden-place being a continuation of Harvey-street and debouching on Roseville-street?—Yes; I went across to see them pass again. I had not seen them pass. I had only overtaken them in Waterloo-place.

196 Now, take another District lying outside the walls on that side of the city, the extension of Fayette-street towards Groggins, and going up by the Little Diamond?—Yes, here it is. [Witness refers to the map.]

197 Now, I believe the entire of that district is still called by the name of "Beg side"?—Yes.

198 And the "Beg side" district generally corresponds religiously and politically with the district called the "Pond" in Belfast—is it the stronghold of the Catholics?—There is a majority in that district of Catholics.

199 The entire of that district is generally called the Beg side, is it not; and when the people here talk of the "Beg side party," they mean the Catholic party, is not that so?—They have been occasionally called that.

200 Do you know of any geographical designation that could be given to the party here opposing the Catholic party, corresponding to that of Sandy-row?—No, only the Apprentice Boys; that is the only name.

201 You have got no topographical way of giving the authorities to the "Beg side party"?—No.

202 Did you see the procession for the last time at Eden-place and Roseville-street?—No; I saw them at Clarendon-street. Clarendon-street had no existence as a separate street at the time that map was published.

203 Clarendon-street had no separate and independent existence when that map was published; and will you point out to the Commissioners the line of Clarendon-street, beginning at the lower side of the County Infirmary, and running down to Coppin's yard, parallel to William-street and to Great James's-street, and parallel to James's Gate, running from north to south as nearly as may be? [The witness pointed out on the map the position of Clarendon-street.]

204 Did you see the procession beyond the last place you have indicated?—Yes; it came up by the Strand—past Mr. Hogg's of Queen-street.

205 Mr. Hogg lives at the corner of Clarendon-street?—Next door to Mr. Craig's.

206 When did you last see sight of them?—When they went up Sackville-street.

207 Is Sackville-street still outside the walls?—Yes.

208 And you did not see them inside the walls that night?—No.

209 Do you know as a matter of fact, as a matter of public notoriety, that they were prevented—the main body—from coming inside the walls?—I did not see who prevented them or anything of the kind.

210 Did you hear it?—I did; I heard it sworn in the Mayor's office.

211 About what was the number in that crowd?—I can't say. They had a band of music.

212 Do you know what the band is called?—The Hibernian Band.

213 The Hibernian State band?—Yes.

214 I believe that band plays exclusively for the Liberal party?—The Downe party.

215 Mr. Commissioner KEHAN—You were asked how many were in that crowd?—I suppose two or three hundred.

216 Was it composed of grown-up people just the same as the other?—Young people—some grown-up people.

217 Mr. McLaughlin—Did you see the city police that night with them at all?—I don't think I saw the city police.

218 They were not forming either a guard or a van-guard to that party that night?—Oh, no.

219 Have you anything else to add with respect to

the proceeding of the 9th of February?—No; I don't recollect anything about the city police; I only remember the constabulary being at the gates.

220 Do you know of anything further that in the exercise of your judgment, as an inhabitant of Derry, you think it right to mention, within the scope of the inquiry, with respect to what you saw on the 9th of February?—Nothing occurs to me.

221 Mr. Commissioner KEHAN—You say you did not see any of the city police with the constabulary?—No; the constabulary were at the gates.

222 Mr. McLaughlin—I am very much obliged to the Commissioner for asking that question. (To witness)—Do you know, as you know any other fact—there is no doubt about it, I believe—that the constabulary were placed at the several gates to prevent the Downe processionists coming in?—I have said so already.

223 Were the city police amongst them do you know?—I am almost certain that the city police were patrolling the town.

224 Patrolling the town inside the gates?—Yes; but I am not quite certain.

225 Now, you have heard Mr. Commissioner KEHAN say incidentally, that it was a very wise precaution to keep those people out?—I gave no opinion about that.

226 Were the ten-barred processionists on the night of the 1st of December kept outside of the walls?—No.

227 They were composed of a party who were opposed to the party kept outside on the 9th of February—I mean Downe's men were kept out and the opponents of Downe's men were let in? Witness assented.

228 Mr. Egan—Downe's party live outside.

229 Mr. McLaughlin (to witness)—Is it a fact that Downe's party live outside?—No, no, a great many of the inhabitants inside the walls are Catholics.

230 Tell me this—were the people who composed the procession of the 1st of December in compliance of the late Mayor, whose memory I speak of with profound respect—were they people who lived outside the walls as a rule?—Generally they do.

231 Now, would you say, in point of fact, that the crowd, or a mob in a procession, or a crowd of any class properly called a crowd, would be people who *primarily* lived outside the walls?—Yes, the working classes, very few of the working classes live inside.

232 These people on the 1st of December, you say, had ten-barrels?—Yes.

233 These people on the 9th of February had torch-lights and ten-barrels, and the one were kept out and the other let in?—Yes, but there was a change in the majority.

234 Now, take the 18th of January—these processionists you saw—the Apprentice Boys—they were inside the walls?—The Apprentice Boys were always inside until recently; but they go out now—they have got bolder.

235 The Apprentice Boys as a rule don't live inside the walls?—No.

236 Coming now to the procession of the 1st of January, 1868—the present year—the processionists on that night, the night of the inauguration of the late Mayor—were they inside the walls?—Of course.

237 There is no doubt about it? In Parn-street they had the ten-barrels?—They had.

238 Was that the Apprentice Boy party—we will call them so for shortness?—Yes; and it is against the by-laws.

239 Do you know whether or not any effort was made to keep those people outside the walls?—No.

240 But the attempt was made, and successfully, to keep the Downe party out on the 9th of February. I come now to the 17th of March—I believe the 17th of March is celebrated by the "Beg side" party as a sort of anniversary for them?—Yes.

241 I believe lately, and for very many years back, there have been no processionists on the 17th of March,

by the Catholic or Bog side party?—No; except a few children. I saw one day about a dozen children who came up from Bridge-street with a green flag, and the constabulary men met them and brought the flag away, and hunted them. They were only a few children; that is the only procession.

242. What sort of a flag had they?—A bit of olive which the policemen brought from Ship Quay-street up to the Mayor's court. That was the only procession I saw for many years by the Catholics.

243. And they did not arrest any of the children?—No; they ran away.

244. In point of fact, I believe there has never been any procession here by the Catholic party?—Not since the day of the Queen's marriage—but for years there has been no Catholic procession.

245. There was no attempt at a procession on the 17th of March?—Not for very many years. There was a proclamation issued against the procession on Patrick's day—a proclamation by the magistrates.

246. Mr. Commissioner MURPHY.—When?—I think in 1855, or 1849. You will see by the proclamation the date. I saw a copy of it—I think it was in '49 the last procession was attempted.

247. Mr. McLaughlin.—Don't tell me the names of any persons, but have you heard any individuals, or body of individuals, express a resolution to keep the Catholics outside of the walls, and prevent them having processions if they tried?—I cannot recollect such a thing.

248. Coming then to the 28th of April—that was the occasion of Prince Arthur's visit—you remember the day?—I do. I remember Prince Arthur's visit.

249. That was on a Wednesday I believe. Were you much in town that day?—I was in the Town Hall, hearing the Mayor reading the address to him.

250. You are a member of the Corporation?—Yes.

251. Tell us as nearly as you recollect, briefly and comprehensively, what took place in the Hall?—Nothing further than an address being read, the authorized address of the Corporation, and a supplemental one from the Mayor, which appeared to have been prompted by something that happened before. Mr. Connelley had suggested that the Prince should be told about the occasion on which so much blood had been spilled about the walls, and the Mayor introduced that into his own address. It travelled outside, and was spoken of by Mr. Ferguson as a very proper speech of Mr. Connelley's, that the Prince should see the walls where the blood was spilled, and the church where the bombshells were.

252. Mr. Commissioner MURPHY.—At what hour of the day was the address delivered by the Mayor?—About midday. The speech of Mr. Connelley had been made some days previously, and it appeared from what happened—from what Mr. Ferguson said—that it travelled out of the Committee.

253. Mr. See.—Did Mr. Connelley make the speech in the hearing of the Town Council?—Yes—in the Committee of the Council, and it instructed the Mayor how it would influence the mind of this young Prince—that it might have a great effect on him, and that he could go home and tell his mother.

254. Mr. McLaughlin.—As a mother of fact did Mr. Connelley suggest that these things having been told to him he should tell his mother when he went home—his mother, one Severidge?—Yes.

255. Mr. Commissioner MURPHY.—What occurred after that?—Before the address was given we came down to the hall door of the Town Hall to meet the Prince. We saw him coming down from Bishopsgate in the carriage, and I saw the Hibernia Band amongst the crowd. I believe the band had a flag with them, a white flag with a harp upon it, and a lot of shamrocks around it, I thought it was the constabulary flag. I never saw it before or since.

256. Why did you think it was the constabulary flag?—Because it had the harp, and the constabulary had got the name of the "Royal Irish."

257. Mr. See.—Was there the crown above the lamp? I am told there was not.

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258. Witness (in continuation).—There was a great crowd cheering. They had taken possession of the Prince and the other people I suppose were golden.

259. Mr. McLaughlin.—They had taken possession of the Prince? Who are "they"?—The Hibernians.

260. The Hibernians with the white flag and green trimmings?—Yes.

261. I believe that the late Mayor who officiated on that occasion is now no more?—Yes. He came in the carriage with the Prince.

262. Proceed with the narrative?—The Mayor and the Prince came out of the carriage and proceeded into the hall. The address was then delivered, after which the Prince was introduced to some people, and then he retired.

263. About what time of the day was this?—Midday. There was a procession that day. I am almost certain there was a procession and that the guns were out that day.

264. After His Royal Highness had the address read to him he left the hall and went away?—Yes.

265. Now, the procession and guns that you saw on that occasion, was that before or after the Prince had been presented with the address?—Oh, it must have been after. They were firing as he came down to the Town Hall, and after they left the walls they must have had the procession.

266. The Hibernia flute band with the white flag—was there a large crowd with it?—Oh yes, it was very crowded. They were thronging round the carriage of the Prince—every one pushing to see him.

267. May I ask you is not Mr. John Guy Ferguson the Governor of the Apprentice Boys?—Yes.

268. He had heard of Mr. Connelley's speech in the Council?—It must have travelled out.

269. What was the number of those with the Hibernia flute band?—The street was all one mass of people, and military, and the borough police were keeping a way open for the Prince to drive on, and it was with great difficulty it was done, the crowd was so great.

270. I believe that the Hibernia flute band had been a portion of those who received His Royal Highness on his arrival at the railway station?—They accompanied him from the railway station to the Town Hall.

271. Playing music?—I believe they played.

272. They played no party tune I believe?—I don't know what they played.

273. After His Royal Highness left the Town Hall, as far as you know from observation, where did he go to?—I don't remember anything further about him. He went away to visit public institutions, I believe.

274. That was about two o'clock in the day?—Yes, or before two.

275. After that when was the firing?—The firing was as he was coming from the railway down to the town hall.

276. But after the presentation of the address?—After the presentation of the address they came down from the walls.

277. When did you hear and see the guns?—I think it must be only once. I heard them cheering at the hotel where he lodged, but I was not there to see them.

278. When was the first disturbance on that unhappy night as far as you know?—About eight o'clock the Hibernia Band came up the Diamond from Upper Shipquay-street.

279. Did you see them passing?—Yes, I was looking out of the window, and there was a green raised at them at the corner—Hastings' corner.

280. Hastings' corner?—That is two doors off me. At the corner of Bishop-street and the Diamond, at the east side of the Corporation Hall.

281. A green was raised at them there?—Yes.

282. And do you know the party from whom the green was raised, as far as you know?—No.

283. It was not a complimentary green?—No. Then, after a little while, I followed up to the Imperial Hotel, and that band had been outside Bishopsgate.

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and were returning. They were playing "God save the Queen" at the Imperial Hotel, where the Prince stopped, and then they marched off down to return through the Diamond, and as they passed the corner of London-street I heard shots.

284. As far as you can change your memory, from where did the shots appear to proceed?—From the corner of that street that goes over to the wall.

285. That is London-street?—Society-street—the road where Roddy lives.

286. That is where Glen's corner is?—Yes; one is called London-street and the other Society-street.

287. Mr. Commissioner MURPHY.—That is the street the corner house of which you said had been unoccupied?—Yes, the corner of it.

288. Mr. McLaughlin.—It was from that corner that the shots came?—Yes, I heard them.

289. With reference to the little part of the map to which I pointed your attention yesterday, where Foy's coach factory was, that corner is, I believe, the corresponding angle if you were going down Society-street to Butcher's gate, passing along that street to Meetinghouse-row, I think the name of a bit?—It was not at that corner where the firing was.

290. The pistols were fired?—At Bishop-street.

291. At the upper corner of Society-street and Bishop-street?—At the end of Society-street as the band was passing down. It put them into confusion—the attack on them did.

292. Did you hear those shots fired?—Yes; and I spoke of them to the owner of the *Standard*, and I told him they were revolver shots, and he said we had better go away, and we went away together, and came down the wall.

293. You distinguished them as revolver shots, having an educated ear for marksmanship?—I thought they were revolver shots. I had heard pistol shots on the night of the *Hibernia* band firing in the air themselves.

294. What night?—The night of the torches; I am not very much accustomed to parties.

295. If you walked down Society-street towards the wall you would come to that house, formerly a coach factory, at the corner where you heard the rattling of the chains of the guns—would not you?—Yes.

296. And I believe—there is no doubt about it—that was the headquarters of the Apprentice Boys?—Yes; they were armed that time, talking of being attacked—I suppose they were preparing for it.

297. Do you know as a matter of fact that loaded cannon were kept there at that time, levelled and pointed?—I do not know it as a matter of fact; I heard it often.

298. Mr. Commissioner MURPHY.—You heard that; did you believe it to be true?—I did, and I cautioned the band not to go in that direction when they came with the torches—that they might be shot.

299. Mr. McLaughlin.—You have said, in answer to Mr. Commissioner Murphy, that you did believe it?—Yes.

300. And that you cautioned those members of the *Hibernia* Flute Band not to go in that direction?—Yes.

301. Did those people follow your advice—the *Hibernia* Flute Band?—They were not allowed, you know, to go in.

302. This was the 6th of February. Then at that time the belief existed that loaded cannon were kept there?—The time that I advised them not to go was not the time of the Prince; it was the time of the petition.

303. Do you remember seeing stated in the *Standard*, or any other newspaper, as a matter of fact, the belief that you have stated here now?—It may have been in the *Standard*.

304. Mr. Commissioner EHRAM.—Did you see it in any of the journals?—In the *Derry Standard* I believe there was some intimation about it.

305. Mr. McLaughlin.—Was it at that time that you saw it stated in the *Derry Standard* or some other news-

papers?—I do not know that it was stated broadly, but you can get the newspaper.

306. What occurred after that as well as you recollect—after you heard the shots fired?—I came into the house, and I heard a great uproar through the street after an hour or two, and went down to the door, and my neighbour told me that there were people shot at the corner. I stayed in the house, and did not go into the road.

307. Did you hear the shots during those two hours at all?—As well as I recollect I heard shots at more than one time that evening.

308. And as your friend told you when you came down to the door, after staying two hours in your house, that there were men shot, did you go out into the street then?—No.

309. Have any threats been made to yourself at all generally?—Not that I remember. They would come past the door and call up names, and sometimes they broke the windows. The magistrates did not punish them. About a fortnight ago a night watchman—

310. Do you mean the city policeman who was on duty at night?—Yes; he arrested a man, and proved against him that he was with another who broke my windows, and the magistrates reprimanded him for arresting that party, and said that he had been only in company with the person, and blamed the night watchman, and complimented the companion of the man that broke the window.

311. Mr. Commissioner MURPHY.—Were you present in Court when the man was brought up?—Yes, I went over, it was the next morning—it was the morning after the night that the stone was thrown into my bedroom.

312. How long ago is that?—It is just a fortnight ago.

313. Mr. McLaughlin.—Who was the person accused?—A saddler.

314. Mr. Commissioner EHRAM.—Who was the magistrate?—The mayor in particular. I recollect the late mayor, Dr. Robinson, spoke very sharply to the man for having brought up the prisoner. Mr. Thompson and the other magistrates said "We all know [naming the saddler], we all know him," as much as to say they knew him so favourably, and they censured the policeman that he had not been able to catch the other who ran away.

315. Who were the other magistrates?—I am sure Sir Edward Reid was there, he generally sits there—does not say much.

316. Did he follow his usual practice of being silent?—Yes. The mayor, Dr. Robinson, generally led the bench.

317. Mr. Commissioner EHRAM.—Were there any others there?—I think Mr. O'Neill, but I cannot recollect, but the report in the newspaper will show the names.

318. You were asked about being threatened, and you said that the magistrates did not punish the party?—Did not punish the party who broke my window.

319. Do you mean by that to say or to charge that the magistrates did not do their duty in not punishing that man?—They never do their duty in any case where we go to complain.

320. Whom do you mean by "we"?—I mean the *Hibernian* Catholics.

321. Mr. Commissioner MURPHY.—Did the city constable who arrested the man prove the fact before the magistrates of your windows having been broken?—He did, and proved that the person who escaped threw a stone twice.

322. And what connexion did he prove the man who had been taken into custody to have had with it?—Standing along with him.

323. At what hour of the night did it occur?—About one.

324. And he proved he was standing there with him at the time?—Yes, and the watchman further proved that when he ran after the person that threw the stone the other followed him, and then he arrested him.

325. Mr. McLaughlin.—What was the name of the

man that was arrested, or what were the names of the two young men?—I only know one, the saddler. He works in McConnell's. He carries a flag sometimes in the procession.

326. Which procession?—I always see him with the Apprentice Boys, wearing the ribbons; you know his name will be on the record of that day in the office.

327. What was the name of the city constable, if you know him?—I don't know whether his name was Gallagher or not. I think he was once a deliverer of letters in the post office.

328. Could you go nearer the date to fix it than you have fixed it?—It was in the late mayor's lifetime.

329. Do you say the city constable's name was Gallagher?—I think so; I think he used to deliver letters.

330. Is there any man really of the name of Gallagher in the city police?—I really cannot tell you.

331. Gallagher is a Catholic name you know?—I know that man is a Catholic. I know two Catholics in the city police.

332. How many Catholics are in the city police force?—I cannot tell you the religious of these men.

333. Are there two?—I know two, there are Gallagher and Sinclair, and I take Harding to be one, and another man that, I think, came from Carndonagh.

334. Now, you were present when all this took place?—At the trial in the Court?

335. Yes?—Yes.

336. Mr. Commissioner MURPHY.—Now, you said, as to some criminal charge against the man who was arrested, that he was, at point of fact, not actually proved to have done anything, except to have been there with the other and the circumstances of that other running away; and one can see how the magistrates might have a doubt as to whether there was evidence to convict him. But, do you say, on a matter of fact, that the man who arrested him under very suspicious circumstances was concerned by the magistrates?—Yes; they said what business had he to do that.

337. What business had he to do that?—Yes.

338. Mr. McLaughlin.—And did another of the magistrates, Mr. William Thompson, say that they all knew him to be a most respectable young man?—They said, naming this person, that they knew him.

339. I think you said, in answer to one of the Commissioners, that the Catholics had no confidence in the local magistrates?—I did not.

340. The Liberator, did you say?—I said that, in my opinion, we never got fair judgment. I made a complaint against the son of the keeper of the Hall for striking me in the face with a stick, and they said that his conduct was bad, and they let him off with a fine of 10s.; and I think that was very ridiculous. It was like turning justice into ridicule.

341. What was his name?—Moheod; there were two of the night watch standing by and they arrested him.

342. Mr. Commissioner MURPHY.—What hour was this?—At twelve o'clock at night—the night of the Protestant meeting at the Assembly.

343. About how long was that ago?—That was in the summer—the time the lords were dunning the Bess.

344. Tell exactly how that whole affair occurred, in your own language; first, this young man, Moheod, is he in business?—No.

345. Mr. McLaughlin.—His father is one of the four town sergeants, a very decent man?—Yes.

346. The four town sergeants are, I believe, appointed by the mayor?—By the Corporation.

347. I thought the mayor had the patronage?—Formerly.

348. But lately the Corporation?—Yes.

349. And it is in the duty of those persons to act as bailiffs and summons-servers, and to keep order in the Mayor's Court, and Petty Sessions Court?—Yes.

350. And Mr. Moheod, the father, has acted in that capacity for the last twenty years?—Yes.

351. Mr. Moheod has, in addition to that, the advantage of holding the office of keeper of the Corporation Hall?—Yes.

352. Tell the Commissioners exactly what happened—that whole affair from beginning to end?—Some police were lodging in the Town Hall.

353. You mean the Constabulary?—Yes; and the young man had to close the door after them going away, and the young man after he had done so—appeared to me to be tipsy—came over and began to boast about being in the procession, and annoyed me, and after a little two night watchmen came and I asked them to take him into charge, I caught hold of him and then he lifted his stick and struck me in the face; and, when I prosecuted him in the Mayor's Office, he swore that I was drunk, and the magistrates did not appear to believe his evidence but convicted him, and then made that mockery fine of 10s.

354. Were you, as a matter of fact, drunk?—No.

355. Mr. Commissioner MURPHY.—How do you say he swore you were drunk—was he examined?—Yes; he had a cross-ex and swore that I assaulted him.

356. Mr. McLaughlin.—It happens sometimes, I believe, that the cross-ex is taken first, though posterior in point of time?—I do not know; I have not often been in the Mayor's Office, I should not like to go again. I should fare no better. Pigott is the name of the boy that was arrested by the night watchmen when my window was broken.

357. Is this a correct account of the proceedings, from the *Derry Journal* of June 12, 1869?—

"DERRA PARADE.—TUESDAY.

"Before Dr Robinson, Mayor, Sir Edward Reid, Henry Davies, esq; John O'Neill, esq;—"

First—Is Mr. O'Neill a Catholic member of the Bench?—He is the only Catholic magistrate in Derry.

(Read).—"and J. C. O'Donnell, esq, s.m."—

358. Do you know that this Mr. O'Donnell, with reference to the case that Mr. Ran himself has mentioned, Barker's case, protested publicly in Court, that the other members of the Bench had even-often him in doing that which was against the law, admitting a man charged with murder to bail?—I do not know whether it was Coote or he. I know Mr. O'Neill protested against it.

(Read).—"Their worships having disposed of a few petty cases of drunkenness, &c, proceeded to hear the case of assault in which Mr. John Hampton, &c, was complainant, and John Moheod was defendant. Mr. Hampton contacted his own case, and Mr. Alexander Crawford, solicitor, appeared for Moheod, who had a cross-examination.

"Mr. Hampton, in stating the case, stated that on Sunday morning, after 12 o'clock, he was situated in the street by a great sale, which was occasioned by a man named Miller addressing the constabulary, who were lined along the Hall, immediately after three men came over from the Hall, one of whom was the defendant. He began to talk to complainant, and came so close to his person that he was necessitated to move away. He was followed by Moheod, who said he could not be prevented walking beside him and abusing him. Moheod followed him to Harvey's corner, where the complainant was obliged to seek the assistance of the police. The defendant when being given in charge struck him, Mr. Hampton, on the face with a stick. What he, Mr. Hampton, complained of most was the language he was subjected to in the way of abusive language. The defendant in his case said he had carried a flag at the Protestant meeting, and that he, Mr. Hampton, should have been there. He further said several offensive epithets to him in the street, and repeated them at the police-station.

"City Constable Dinkley preferred a charge of assault on Mr. Hampton against Moheod. The evidence was that Moheod struck Mr. Hampton on the face with a stick when he was given in charge. (Mr. Hampton bore the marks of the assault, which evidently was accompanied with considerable violence.) Witness deplored, in answer to the complainant, that the defendant, on being charged, said 'he was glad of it.'

"Mr. Hampton then recapitulated his former statement on oath. The witness was cross-examined by Mr. Crawford.

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Mr. John Hampton.

Witness Exam.
—
Deposed by
—
Mr. John
Hampton.

He denied having carried on a conversation with Molend complaining of his conduct as hall-keeper.

"Mr. Crawford.—Will you tell us what you were doing out of your own house, a stated sworn councillor of the city of Derry, at 12 o'clock?"

"Mr. Hampton.—It was after 10.

"Mr. Crawford repeated the question.

"Mr. O'Neill.—Oh! oh!

"Mr. Crawford.—Now, Mr. O'Neill, it is a perfectly legitimate question or I would not put it.

"Mr. Hampton.—I am delighted to answer it. It was the noise attracted me out.

"Mr. Crawford.—Are you quite sure your money is clear on this matter?"

"Mr. Hampton said it was perfectly so.

"Some by-play then took place between the solicitor and the witness. The latter, in answer to the reference to his former connexion with Protestant gatherings, said Mr. Crawford had himself subscribed to the 'John Mitchell Fund,' and was now a great Tory (much laughter).

"Several other witnesses were examined, who deposed chiefly to the use of the offensive language. It was sworn that Molend said to Mr. Hampton, 'You were a better man once, and I think a disgrace of you now.' He further stated that he had 'turned nothing but a Lundy.'

"Sergeant Sinclair deposed that he was present when Molend was brought to the station. He was the worse of liquor, but he did not notice any drink on Mr. Hampton. Molend's language was very offensive, and he called Mr. Hampton a bloody Fenian, and expressed his gladness at having struck him.

"The cross-exam was based on an allegation that the assault on Mr. Hampton was the result of provocation, which made it justifiable. In answer to the question, 'What kind of a remark had you on, now?' witness replied, 'A good Orange remark.'

"The Judge, in delivering judgment, said.—The Bench are of opinion that your conduct, Molend, has been very improper. You must keep a civil tongue in your head, and keep yourself quiet. We are very sorry to see your father's son in your position. You are fined 10s for each count, and the costs against Mr. Hampton claimed."

359. Now is that a fair abstract of what took place?—It is. There are four papers in Derry, two of them in the Liberal interest, the *Journal* and *Standard*, the *Journal* representing the Roman Catholics principally and the *Standard* the Presbyterians; and two in the Conservative interest, the *Scotsman* and the *Gazette*.

360. This was the hearing after the case had been remanded from a previous day?—Yes. The reason I call that a ridiculous fine is, that if any one can be struck with a stick in the face, and the person who does it can get off with a fine of ten shillings, there is no justice in this town. If he had been on the other side he would have had six months or three.

361. Mr. Commissioner MURPHY.—Do you say that you are enabled, from the long experience you have in Derry, to state that there is among what you call the Liberal party dissatisfaction with the magisterial jurisdiction in this city?—There is, I was told I might as well not go there. I went lately in another case.

362. Do you say that you are enabled to state that there is generally among the Liberal party that feeling?—Yes; I was told lately I need not go there at all.

363. Mr. M'Loughlin.—State the nature of the dissatisfaction?—Partiality.

364. Do you know whether that feeling is widespread or the reverse?—It is general. On the one side it gives confidence, and the other it makes afraid to go there.

365. Do you happen to know that the population of this city in 1861 was 50,675?—I believe so.

366. And that the Protestants of all denominations were put down as 8,589?—Yes.

367. And that the remainder, the Roman Catholics, were 12,036?—Just so.

368. Does that feeling generally prevail among the Catholic population?—Yes.

369. We now come to certain magisterial proceedings where Mr. Bea appeared for the representatives of the dead men. I believe the inquiry lasted for eight or nine days?—The inquiry before the magistrates lasted some while.

370. So far as you know did the local excitement continue while that was going on?—I think there was a great crowd each day at the Court. There was a full bench. The Conservatives bench was always there; the Conservatives crowded the bench. I remember Alderman Miller especially.

371. Now, I believe, prior to the inquiry there had been an inquest on the bodies of the slain?—There had been an inquest on one of them. Mr. Bea spelled the other inquest. Oh! the inquest was on the two. There was a third died afterwards.

372. I am talking now of the inquest on Craig and Mountiff. Was there an inquest on both?—Oh! yes, there was, I remember the verdict of both.

373. Now, after that I believe Murphy died?—Yes.

374. Murphy was a Catholic?—Yes.

375. And the other two unfortunate men, Mountiff and Craig, were not Catholics?—One was a Presbyterian and the other an Episcopalian.

376. You remember when Murphy died?—Yes; very recently.

377. Do you remember the inquest that was held having been postponed for some time?—I read the report of it being postponed. I was not at it.

378. Do you remember when the proposal was made, for the purpose of the second inquest that they thought they could have held, to take up Murphy's dead body?—Yes.

379. What was the state of feeling between the two parties at the time the proposal was pending to take up the dead body of Murphy?—I saw a great crowd coming up from the quay, of the working classes, to prevent it.

Cross-examined by Mr. Bea.

380. Do you happen to know that the police who were charged with the slaying of Murphy had the summoning of the Coroner's jury?—I believe it is a new policeman—a new head officer—who is here. The constabulary that you charge with killing Murphy I believe are removed, and I think it is a new head constable that summoned the jury.

381. Was the summoning of the jury with the police?—I can tell you that the report in the paper was that the Coroner had given the constabulary a certain number; and then a policeman replied that the Coroner had told him that half the number would do.

382. Do you know that Davis the head constable, who was charged with giving the order to fire from which the deaths of the three men resulted, appeared in Court with the panel in his hand?—Then it must have been Davis that summoned them.

383. Did you hear that Davis the head constable, who was in command of the firing party, told the Coroner, Mr. Lloyd, that the precept was invalid, and was, in point of fact, no precept at all?—I heard they had an argument about Davis not having summoned the full number, or the sergeant for Davis, and that he excused himself by saying that the Coroner told him twenty would be enough, or twenty-four.

384. Did you hear that Davis, who had possession of the precept, stated that it was invalid, being deficient in several essential particulars, and not mentioning an hour for the inquiry?—No; I do not recollect reading that in the report.

385. Did you read in the report that Mr. Forrest Reid, the Sessional Crown Solicitor, was there for the Crown?—He was.

386. Now, with regard to that proceeding of Thursday the 10th of June in the police court, upon which you found this impeachment of the magistrates, will you be kind enough to tell me how long it occupied?—It lasted a long time.

387. About how long?—It must have been fully an hour, if not more. There were a great many witnesses and a long cross-examination.

388. You were allowed to open your case in a speech?—Yes; I stated my case shortly.

389. And then you produced all witnesses?—Yes.

390. That you wished to examine?—Yes.

391. There was no attempt to restrain you from addressing the Court or examining your witnesses?—No.

392. Was a similar privilege accorded to the other side?—Yes.

393. I believe there are eleven or twelve attorneys in the city of London?—Yes.

394. Did you ever hear the old adage that the gentleman who is his own lawyer generally has a fool for his client?—Yes.

395. Nevertheless you thought it advisable to appear on your own part?—I did.

396. And you so appeared on your own behalf when you knew that in the cross case you would of necessity be examined as a witness?—In the cross case I should be on the defence.

397. Did not you know that you would be examined as a witness?—I could not. I stated my case, and then I was examined on oath to prove what I had stated.

398. One case was a cross case to the other?—Yes.

399. And you knew before you undertook the advocacy of your own case that you were to be examined as a witness in support of your own statement against Mosely?—Yes. I did not intend to get myself examined. I intended to rely on the police; but the magistrates desired me to be sworn.

400. You did offer yourself as a witness?—No, the magistrates desired me to be sworn.

401. Did you refuse to be sworn?—No.

402. Do you mean to say that in this case, in which you were the primary witness, and had the privilege of being examined if you thought fit, you came into court with the intention of avoiding offering yourself as a witness?—No; I preferred their testimony.

403. If any person stated that that was from a wish not to expose yourself to cross examination with respect to your proceedings on the night in question—the night previous—would that be false?—I had no wish to shelter myself at all.

404. It did not enter into your consideration at all?—It did not.

405. That if you did not give the other party an opportunity of examining you as a witness they would not be able to impeach your credit or show general misconduct against you on that occasion?—No.

406. But nevertheless, although no one knew more about it than yourself, you came into court determined not to be examined as a witness?—Not intending to be examined.

407. You had deliberated with yourself as to whether you would be examined or not?—I knew that if the police gave their evidence intelligently there was no necessity for me, and they proved it pretty fully; but the magistrates desired that I should be examined.

408. And you deferred to the suggestion?—Yes; they required that I should be examined.

409. You do not mean to say that the magistrates would have compelled you to be a witness?—I do not know what they would have done.

410. They would have dismissed the case?—I did not say so.

411. Did you decline to go into the witness box?—I did not.

412. But did you appear to be reluctant?—I do not think I was.

413. I suppose when you did offer yourself as a witness some of the inconveniences that you anticipated arose?—I do not recollect any inconveniences.

414. Did not you expect to be examined by Mr. Crawford, or by some other attorney in his place, as to the quantity of liquor you had imbibed up to twelve o'clock that night?—Oh, yes, because it was such a late hour I entirely expected to be asked that.

415. And did not you expect to be asked as to what brought you, a town councillor of Derry, out into the street at so late an hour as twelve o'clock?—Yes; I stated so.

416. Now did you give Mr. Crawford a specific account of the quantity of liquor that you had consumed on that evening?—He did not inquire.

417. Will you be kind enough to tell us now?—I do not think this place is for argument altogether. I

may state this, that on that evening, from the time I left my business till that occurred I had drunk only one glass of punch, and nothing else.

418. How much had you drunk that entire day from the time you got up in the morning until after the occurrence?—I never drank during business hours, and I remember it because the question of drunkenness was brought up in the case, or I should not have remembered that I was so particularly sober.

419. Do you mean to say that you only drank one glass of whiskey that day?—Yes.

420. That day?—Yes.

421. The whole day?—Yes.

422. From the morning to the night?—Yes, I drank nothing but the one glass of punch.

423. Did you drink any other intoxicating liquor?—No.

424. Malt liquor?—No.

425. And no alcoholic drink but the one glass of punch?—Not one.

426. Now did you state to Mr. Crawford what caused you to be out at twelve o'clock at night?—Yes.

427. What was it?—Hearing the noise that John Miller was making calling for Sir Stafford to go down to his house. He was calling loudly for Mr. Stafford to be brought down from the Town Hall. I came down stairs and went to the Town Hall.

428. With respect to the constitution of the bench that day, are you aware that there was one Protestant Liberal, and that there were two Roman Catholics among the magistrates?—Who was the Liberal?

429. I am asking you the question. On the bench that did such injustice to the Liberal party?—Yes; Sir Edward Reid—he was one.

430. Is not Sir Edward Reid a member of the Liberal party?—He was a very cold member. He did not vote for them.

431. What was he knighted for?—Dunash's Duke knighted Sir Edward.

432. What especially led to the knighting of Sir Edward?—I think there was the election coming, and he was returning officer.

433. The Lord Lieutenant knighted Sir Edward Reid by knighting him, he being the returning officer?—He did not succeed, I suppose. I believe Sir Edward Reid acted neutral at the election.

434. Where was Sir Edward Reid knighted?—In Dublin.

435. Had there been any antecedent visit of the Lord Lieutenant to Derry in his official capacity?—Sir Edward Reid was knighted, and he was taken away on the proper day that the election would have been held to be knighted.

436. What day was that?—The day of the election. Because Lord Alereon sent for Sir Edward Reid to take him up to knight him. It served a party—delayed the election a day.

437. You do not know any other reason for his being knighted but the fact of his being returning officer, and it being desirable to have him away the day of the election?—There were other pretences made. I did not say it was to take him away the day of the election; but I said that he was taken away.

438. And you believe it was all for an electioneering purpose?—I believe it was to give more time for corruption.

439. And you believe that was deliberately done by the Duke of Abercorn?—I know it was publicly stated that Sir Edward—

440. Mr. Commissioner EDWARDS.—Had you seen it in the public papers for at least a month before, that he was to be knighted?—Oh, yes.

441. Mr. Reid.—Is Sir Edward Reid a gentleman of considerable wealth?—He is.

442. The salary of the Mayor of Derry is only, I believe, £300 a year?—Yes.

443. I suppose it was for the purpose of bribing Sir Edward Reid that the Lord Chancellor O'Hagan and the present Lord Lieutenant appointed Mr. Forrest Reid to be Sessions Crown Solicitor for Londonderry?—That was after the election.

444. Then it was in order to bring him round to

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the right side!—Oh, no; that was long subsequently. And I do not believe that Sir Edward Reid was knighted for the purpose of bribing him or influencing him; but I say that it was strange that he was called away to be knighted on the day that the election might have been held.

445. Mr. Commissioner KILMER.—Did not I understand you to say—the answer is down—that he was taken away to postpone the election for another day to give more time for corruption?—Yes—at least it was thought so.

446. You say that was your impression?—Yes, at that particular day.

447. Mr. Reid—I believe the salary of the Mayor of Derry is only £300 a year?—Yes.

448. And he is expected to spend that in hospitality?—Yes.

449. Do you remember that, in addition to dispensing the ordinary hospitality locally during his year of office, Sir Edward Reid, in the August previous to his being knighted, assembled the gentry here at great personal expense to himself, gave a great ball, and caused an immense amount of gratification to the inhabitants of the county and city and also to the Lord Lieutenant?—Yes, he entertained the Lord Lieutenant and a number of the gentry at a splendid banquet.

450. At his own expense?—Yes, of course.

451. And I suppose that the Lord Lieutenant considered that the conduct of the Mayor of Derry on that occasion reflected honour on all the officers?—Yes.

452. A gentleman of humble means would not have been able to discharge that duty on that occasion?—No.

453. Sir Edward Reid, in addition to being very wealthy, is not married?—No.

454. And could not you now imagine that, having regard to the necessity of keeping up the order and dignity of knighthood, Sir Edward, after having done these acts, and after having been elected Mayor of this great city twice by his fellow-citizens, was quite entitled to the ordinary course of politeness to be made a knight of?—His position is quite sufficient—quite as good as, I suppose, many knights that are in London.

455. And supposing the Lord Lieutenant had gone the length, considering that he had no children, to have made him a baronet, would you have considered that a dreadful offence on the part of the Duke of Abercorn?—No offence.

456. Now, when you recollect that previous incident in the history of Derry, of Sir Edward Reid's boundless hospitality on that occasion, is not it odd you did not state to the Commissioners, when you voluntarily introduced the fact of Sir Edward Reid having been knighted by the Duke of Abercorn, that that entertainment had been given?—I had no occasion; it is a matter of public notoriety; and I knew that you would have it out.

457. Now, although all gentlemen become a little more conservative as they grow older will you venture to state that Sir Edward Reid is not a member of the Liberal party, giving it a broad interpretation?—Yes, he is called a Liberal.

458. And is not he a Liberal?—I believe so.

459. And do not you know he never was a Tory?—I do.

460. And do not you think it is not likely he will be, now that the Times have smashed themselves up?—I think not.

461. Are you aware that this cold Liberal took the chair at a banquet to Mr. Downe a few months ago?—I am—you. When I say cold, he is not an active member of the party.

462. I do not think there was any coldness in that—expressing himself to have his skull broken by taking the chair three months ago at the banquet to Downe?—No; being Mayor of the city he was invited to that banquet.

463. Now, having proven from your own testimony the Liberalism and high liberality of Sir Edward Reid, will you explain to the Court why you thought fit to

attempt to deny that Sir Edward Reid was a member of the Liberal party, when I asked you, without thinking that this inquiry would be gone into, the plain question, "Is Sir Edward Reid a member of the Liberal party?"—He is always considered a Liberal.

464. And his fault is that he does not talk much?—I do not think he spoke on that occasion.

465. I believe he made his own fortune in business, did not he?—Yes; I do not believe he interfered in that case.

466. Do you know John O'Neill, esq.?—Yes.

467. He is a Roman Catholic?—Yes.

468. He was a member of the bench on that day?—He was, I believe.

469. Will you call Mr. O'Neill a member of the Liberal party?—At the last election he voted with them, but I believe he was a Conservative in 1865. Didn't he vote for Lord Claude Hamilton?

470. I believe he did, but was he a Liberal at the time he sat in judgment on Mahood and you?—He sat with the Liberal party.

471. Do you know J. G. O'Donnell, esq.?—Yes.

472. He is a Roman Catholic of the broad school?—He is a Catholic. I do not know what schools they have.

473. And you have no reason to doubt his being a Liberal?—I know nothing of his politics.

474. And of his being appointed Resident Magistrate by a Liberal Government?—No, he came down for a short time.

475. And of his having been sent down here specially to serve the Liberal party and to prevent the Roman Catholics from being oppressed?—It would require more than him. One is of very little use against the majority on the bench.

476. Did not the "majority" on the bench on that occasion consist of Dr. Haldington and Henry Darcus, esq.?—I do not know who else was there. Was Mr. Thompson not there?

477. No; not a word of it!—It was in the case of Pigott that Mr. Thompson was present.

478. Mr. Commissioner KILMER.—I think you have already stated that Mr. Thompson was one of them?—He was on the bench on the day that Pigott was tried.

479. Are we to understand that there were five magistrates present?—I really cannot charge any necessary. It is in the paper that Councillor McLaughlin read out.

480. Mr. Reid.—Babington and Darcus, Conservatives, and O'Donnell, O'Neill, and Reid, of the Liberal party—the Liberals had a majority of three to two. Now, after an hour had been occupied, did you hear the Mayor say, "The Bench are of opinion that your conduct" and address (to Mahood) "have been very improper"?—Yes; and then they let him off with a fine of 10s.

481. Did any of the magistrates then say that he objected to the ruling, or that they had imposed a moderate penalty?—No, so far as I remarked.

482. So far as you could observe, the three Liberals and two Tories were unanimous in convicting Mahood and fixing him 10s.?—I had no reason to believe anything else.

483. Mr. Commissioner KILMER.—Did the magistrates retire to consider, or merely converse among themselves on the bench?—I do not remember that.

484. Did they retire to their room to consider, or did they speak among themselves on the bench, and then did the Mayor announce the decision?—I do not know whether they left the bench or not.

485. Did they converse before the Mayor gave the announcement?—Oh, they must have spoken with the resident magistrates, Mr. O'Donnell.

486. What was the age of this young man?—I think he is about twenty.

487. Have you any reason since to come to the conclusion that any of the magistrates dissented from that judgment?—No, I do not think I have. I heard many others that were not magistrates say that it was such an absurd thing. I was not speaking to the magistrates on the Bench.

488. Did you speak to Mr O'Neill at all?—Yes, but never on that subject. I met him yesterday in the police barrack, and bid him good morning.

489. Did you speak to Mr O'Donnell?—Yes, I have frequently sold him articles.

490. But surely there would be no harm in selling a magistrate about his judgment when a case was over?—I would not like to speak to him about the matter.

491. Mr Commissioner MURPHY.—It is a fact that this young man's father had been a very respectable man?—Yes.

492. And previously to this there had been no charge against this young man himself?—I did not hear of any.

493. He was not a man that had been in goal before that time?—I do not think he was. I firmly believe that the punishment was not adequate to the offence.

494. Mr. JES.—With regard to Mr. O'Donnell, had not he the reputation of being one of the most competent resident magistrates in Ireland?—I heard that he had a good reputation in Belfast.

495. Comparing the intellect of that one magistrate with the others, would not you say that in place of Dr. Babington, or Sir Edward Reid, or Henry Darcus, or John O'Neill being likely to lead Mr. O'Donnell, Mr. O'Donnell was likely to lead the whole four of them?—No, I consider that the Mayor was as well informed as any of them.

496. Do you mean to say that the late Mayor, Dr. Babington, was able to hold his own against or would have been a match for him?—I believe Mr. O'Donnell was educated for a counsellor, but that Dr. Babington was a very intelligent, clear magistrate.

497. And did you say now that you thought Mr. O'Donnell was no more than an equal for Mr. Darcus or Mr. O'Neill?—It is compared with the Mayor that I am speaking.

498. And that the Mayor was far his superior as regards legal qualifications?—I did not say so. I say that he was a very intelligent, able magistrate.

499. Did you ever complain to Mr. O'Donnell afterwards with regard to his having inflicted an inadequate fine on that occasion?—No.

500. Did you ever complain to Mr. O'Neill?—No.

501. Do not you think it would have been for honour to have spoken to those magistrates afterwards, when you had an opportunity of speaking to them in your own shop, than to have put forward this slanderous imputation here against the whole five of them—that they had committed a gross piece of injustice?—I think it is better to do it publicly. The public are of opinion with me—all classes—that that was an improper judgment.

502. And you adhere to the facts that you yourself stated, as to the unsuitability of the Bench?—Yes. The general opinion was, on both sides, that it was a partial judgment. All parties collected—Conservatives and Liberals—that it was an unfair judgment.

503. That these five magistrates delivered an unfair and partial judgment?—That they did not do their duty.

504. Can you tell me what corrupt influences operated on Mr. O'Neill?—I cannot.

505. Can you tell me what corrupt influences operated on Mr. O'Donnell?—I cannot.

506. Can you tell me, with the exception of that enormous tribe of the knighthood, what corrupt influences operated on Sir Edward Reid?—I do not know that he is interested.

507. Did not you say that Dr. Babington was considered by a portion of the Tory party as a very moderate, and what you would call a cold Tory?—No, he was a very active member of it—one of the most energetic of their party.

508. And one of the most violent?—I do not like to apply such a term to that.

509. Did not you often hear that Dr. Babington was tainted with Liberalism, and was very doubtful and very moderate, and practically of no use for partisan purposes?—No, no, I did not; and I can

tell you further that I do not wish to say anything against him.

510. With respect to Mr. Henry Darcus, is he a very furious and bigoted sort of individual?—He is a very strong partisan.

511. A very strong partisan?—Yes.

512. How often has Mr. Darcus been Mayor of Derry?—Very often. It is an office very few aspire to.

513. Do you know any quarter or more inoffensive gentlemen in the city of Derry than Mr. Darcus?—I know he is as quiet as you like, but he is a very active man canvassing. He always goes about amongst the people over whom he is agent, asking for votes for his party.

514. Why should he not ask?—Being an agent it is usual in Ireland, and he acts on the custom.

515. Are you aware that Mr. Darcus recently said himself that he would use the police force to put down the 18th of August celebrations if the Apprentice Boys persevered in holding them?—No, I did not—I think there was some rumour—I forget who said it.

516. What was the rumour about Mr. Darcus?—It was, I think, about party times or something that way.

517. Did it turn out on that inquiry that you were charged with first interfering with the person of Mol and himself very slightly?—He swore that.

518. Was his credit successfully impeached by you on cross-examination?—I suppose so—his case was dismissed.

519. But his evidence might be believed. Did he produce witnesses to support his statement?—He did.

520. How many?—McNamara, I think.

521. Did you in point of fact touch him at all before he struck you?—Oh, yes, I told him.

522. What did you want to do at the time you held him?—He wanted to go away, but I told him till I called the policeman.

523. Now, did the magistrates decide that you had no right to touch Moland, however slightly, and that that was the first assault?—No.

524. Are you aware that they inflicted that fine upon Moland upon the principle that he had only been guilty of an excess of violence, and had got considerable provocation before he inflicted that injury on you?—They did not give any reason. They blamed him. They said his conduct was improper. They applied that, I believe, to his evidence in Court swearing I was drunk.

525. Whether you were drunk or not, if you, in a state of embellishment, having drunk some whiskey or brandy, smell of whiskey or brandy, might not a man swear you were drunk in mistake?—No.

526. Were you not one of the parties soliciting the Government to send Mr. O'Donnell here?—I never knew any one to solicit to have him brought.

527. Were you not one of the parties soliciting the Government to send a Roman Catholic magistrate here?—I never knew they were solicited to do so, nor do I.

528. Do you mean to say you knew of no communication to Mr. Down, the member for Londonderry, requesting him to use his influence to have a magistrate sent here?—No.

529. You do not know?—I do not.

530. Nor hear of any such communication?—I never had such—nor heard of it.

531. Do you mean to tell me you did not hear that Mr. O'Neill wrote a letter of that description to Mr. Down?—No.

532. Mr. O'Neill never told you?—No.

533. Although you have heard all the rumours of Derry?—I have not.

534. Do you say you did not hear a rumour to that effect?—No. It was not Mr. O'Donnell came here first, it was Captain Cooke. He came about borrowing arms.

535. But Captain Cooke was here?—Yes.

536. And Mr. O'Donnell was sent to help Captain Cooke?—Yes.

537. You don't know anything about that little business?—No.

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Mr. John Hampton

THOMAS RAY
August 10
Mr. John
Hoskins.

538. Mr. Commissioner EDEMAN.—What magistrates were on the bench when the man Pigott was brought up?—I do not recollect any except the Mayor and Mr. Thompson. Of course there were others. I believe Sir Edward Field was on the bench, for he concurred with Dr. Babington in blaming the constable, in saying, "You have got the wrong man."

539. Mr. RAY.—Then Mr. Thompson was there?—Yes.

540. Was the resident magistrate there?—I do not recollect.

541. Was Mr. O'Donnell or Captain Coote there? Could you recollect did either of them?—I don't believe they did. If any it would be Captain Coote that might be there. The book will show, of course, or the newspapers.

542. With respect to the pistol shots you say you heard fired by the Dowie mob, did you hear that 120 revolvers, ordered from Birmingham, arrived here in November, for the purpose of enabling Mr. Dowie's friends to defend themselves if necessary?—I heard there were revolvers bought. There was a telegram from Limerick from a commercial man saying they were ordered. I heard that.

543. For the purpose of supplying Mr. Dowie's mob with artillery?—No—revolvers.

544. About how many revolvers do you believe reached Derry?—I don't know. I often heard it reported that both parties were extensively armed. I always heard of the others having them before. I am convinced they both have them, and that all were licensed that asked. Any one that asked a license got it.

545. I am asking you about the Dowie revolvers, and you begin telling me about other revolvers?—I told you all I know about them—that I heard they were coming, but I never saw any of them.

546. Did any one inform you he had been supplied with a revolver?—No.

547. Do you know, in the same way that you have deposed to say first asked you by Mr. McLaughlin, that 120 revolvers arrived and were distributed?—I did not hear how many.

548. Do you know a number of revolvers arrived and were distributed?—I don't know it, but I heard it.

549. Do you believe 120 revolvers arrived and were distributed?—I could not tell the number. I did not hear any particular specified number.

550. Can you form no belief on the subject at all?—I did not hear any number.

551. But you had the opportunity of forming a belief—you were in the confidence of the party?—I don't believe I was, in that matter.

552. Do you believe about 120 revolvers arrived and were distributed amongst Dowie's friends—any you or no?—I will not fix the number. I have no idea whether it was 40, 80, 100, or more than 100.

553. What do you believe?—I believe that every one who was able to buy a revolver, of the working classes, got one, but I have no knowledge of it. I speak of both parties.

554. Do you mean to say that Mr. Dowie made his men pay for the revolvers?—I don't suppose Mr. Dowie had any knowledge of it—still less than I.

555. Do you know who ordered the revolvers?—No.

556. Did you hear?—No.

557. Do you know what the price of a revolver was?—I believe revolvers are very cheap.

558. But the Dowie revolvers?—I never saw them except that night. I never saw the Catholics except on that night of the procession, levelling the process—driving them in the air.

559. Can you not tell me the ordinary current price of a Dowie revolver?—No. I never saw them except at that time.

560. At the time the revolvers were sold?—I don't know.

561. You can tell me all about the artillery in the gun-rooms of the Apprentice Boys—where was the reason for keeping the Dowie artillery?—They never had any artillery.

562. Where was the Dowie armoury?—I know nothing of a Dowie armoury. Mr. Dowie had no armoury.

563. Where were the revolvers kept—the 120 revolvers?—I don't know of 120. I know nothing of it.

564. Don't you know the sum of money that was spent on revolvers?—No.

565. Mr. Commissioner MURPHY.—He has stated that the working classes generally got them.

566. Mr. RAY.—In other words the "Boyside" gentlemen. (Tittering).—Do you think it was judicious on the part of Mr. Dowie or his party to scatter revolvers at wholesale prices amongst the "Boyside" people?

567. Mr. Commissioner EDEMAN.—That is assuming Mr. Dowie did so. Don't you think it is quite sufficient to know that a large number on both sides had revolvers at the time of the election, when public feeling was likely to be heated and was heated?

568. Witness.—I did not before state something that I now recollect about revolvers. The governor of the Apprentice Boys, Mr. John Guy Ferguson, came to me and said he had a good crowd now.

569. Mr. RAY.—Was not that a private conversation? Would any man of position and honour state a private conversation?—It is about the revolvers. He said he had a good crowd now, and that if they saw the election going against Lord Clonville they would shoot the Catholic voters.

570. When did he say that to you?—Previous to the election.

571. Where?—In my own place, and I believe others could give testimony of it.

572. Who was present?—I don't recollect.

573. At what time of the day was it?—I don't remember the hour of the day. It was in the daylight. I made no particular note of it.

574. On what day of the month was it?—I cannot tell you.

575. On what day of the week?—I cannot tell; but that is what led to the parties thinking of arming themselves.

576. On what day of the week was it?—I cannot tell. It was not on a Sunday.

577. How long before the election?—I think it was when he saw the revision had gone adverse to him.

578. It was after the revision and before the election?—I think so. It was when he became apprehensive of being defeated.

579. You and he appear to be on terms of personal intimacy?—He sometimes comes and talks about matters. He perseveres in coming and making statements to me.

580. You did not tell him you did not wish him to come?—No.

581. You received his visits? (Not answered.)

582. And you used to get him to tell things?—No. I let him say what he had to say.

583. Do you remember any occasion of Mr. John Guy Ferguson coming up in a Court of Justice and deliberately betraying any portion of your private observations to him?—He is perfectly welcome.

584. Do you recollect any instance of Mr. John Guy Ferguson having come up in a Court of Justice and deliberately betraying any portion of your private conversation to him?—I think an active agent like him has no right to expect me to hold his confidence in a matter connected with my own party.

585. And you told him I suppose that. You told him to beware, that any observation he might make to you might be made use of against him?—No.

586. You put him on his guard?—No, I did not.

587. You did not. You let him to confide in you, and when you got his confidence you take the first opportunity of betraying him?—He volunteered the statement. I did not ask him. He gave me his opinion. A person of the opposite party had no right to assume any privacy.

588. Then you are perfectly serious in saying that Mr. John Guy Ferguson, without any circumlocution,

said that he would have the opposite voters shot!—He did not say he would, but he said they had a good crowd, and he was certain it would happen.

589. That what would happen?—That they would shoot those voters if they saw the election going against them.

590. And you believed that?—I did not. I believe they dare not, but still the threat was made.

591. You did not consider it a private conversation?—No.

592. You considered it a conversation you were entitled to make use of?—Oh, yes.

593. And you believe it to be your duty in the interest of justice to tell it to the Commissioners?—I think it is right they should know it.

594. Now, after Mr. Ferguson told you the opposite voters were to be shot, did you think it expedient?—I will repeat now in Mr. Ferguson's hearing—I see he has come in—what I have stated. He said he had a good crowd now, and in case they saw the election going against them, he was sure they would shoot Bowen's Catholic voters.

595. They would not shoot the Protestants. You did not put in that before?—I stated before the Catholic voters—if they saw the election going against them.

596. Suppose you went immediately to Mr. O'Neill or to some other magistrate, in whom you had confidence, to take steps to prevent these voters being shot?—No, we took precautions. The magistrates were applied to. I believe the Mayor was applied to by the candidates to have a sufficient protection, and there was a good deal of police in on certain.

597. Did you go yourself to see the magistrates?—No.

598. To give information of this fearful threat?—No.

599. Did you take any steps afterwards to enable the voters to protect themselves?—I took no steps.

600. Nothing but the armory of revolvers coming?—I had no connexion with them.

601. Was it on account of your having heard that and stated it, that Bowen's revolvers were brought?—It was not confined to me—this knowledge. It was known that the Apprentice Boys carried revolvers.

602. Did you advise after that, that the Dewee party should get revolvers?—No.

603. You did not recommend it?—No.

604. Do you know out of what fund the revolvers were paid, even?—No; there was no fund for paying for them that I am aware of. People may have subscribed unknown to me.

605. Do you know to what shopkeeper or other person they came?—No.

606. Did you hear?—No.

607. Do you know from what place they were distributed?—No.

608. Did you hear how many chambers they had?—The only thing I knew of that was—I heard some went to a neighbour who sells hardware, and I asked him if he knew anything of it. He said he did—that it was Harvey—that he had got an order for some, but the number or anything else I do not know.

609. Was he one of Bowen's supporters?—He said it was in the way of business, and he did not care.

610. How many did he say he got an order for?—He did not tell me. I merely asked him was it right or legal. He said it was a matter of business.

611. Did you speak to any other person to know whether he had got an order?—No.

612. Do you know whether Harvey supplied another lot, or portion?—I don't think he supplied many from his conversation with me.

613. Now, with respect to the torches you spoke of, you say you saw Mr. Bowen's proceedings on one occasion with torches?—Yes.

614. Did you supply those torches to them?—Yes; they were lying in my place.

615. How many torches did you supply to these gentlemen?—I should think nearly sixty.

616. Mr. Commissioner ECKHAM.—You say they were supplied from your own place. Do you mean any place behind your place of business?—Yes; they were lying for many years in my place, and I was very glad to get rid of them.

617. Did the people come up to your house for them?—No; I gave them to a carman who took them away.

618. Mr. ECK.—Did you sell them?—No.

619. What were they worth?—I suppose they were worth a shilling a piece.

620. That would be three pounds. Did you get any consideration for them?—No, they had been got long previous, and not used, and I was very glad to get rid of them.

621. Do you know who paid for these torches that were worth a shilling a piece?—They were lying there so long that I do not recollect. They were used at the Derry celebrations long before.

622. Mr. Commissioner ECKHAM.—At the Derry celebrations?—Yes.

623. Mr. ECK.—How many years before?—It is a very long time, and afterwards the Apprentice Boys used other torches, and it was agreed these should not be used on the anniversary, there was much a row about them.

624. Suppose Mr. John Guy Ferguson, Governor of the Apprentice Boys, furnished an account to Richard Downes for "sixty torches supplied to your mob at one shilling per torch—three pounds," is there any chance of his getting it?—He had nothing to do with them.

625. Tell me, when those torches were originally purchased, were they not paid for out of the Apprentice Boys' funds?—Not for that party.

626. Well, what party?—I am almost certain they were paid for out of the club it was in.

627. Were they not paid for by the Apprentice Boys?—By that club—I think they were. I paid for them. I used to advance a good deal of money for them.

628. You were trustee of the torches?—I was glad to get rid of them.

629. And you malversationed them?—Yes; I would be very glad they continued the torchlight processions. They were very pretty things.

630. Did you not think the giving over of sixty torches to Bowen's supporters for the purpose of having them burned in the streets of Derry was very likely to lead to a riot?—I know there was a riot on the night the Apprentice Boys burned torches.

631. Mr. Commissioner ECKHAM.—Did you not tell us there is a by-law of the Corporation against torches?—Against bar torches—I think there is a law against bar torches.

632. Is there not one against torches just as against bar torches?—I don't know. I would wish to refer to it. But when the other party were allowed to use them, I saw no reason why these people should not.

633. Mr. ECK.—You say you were aware there had been a riot when the Hamilton party used torches?—It was long before the Hamilton party.

634. When were the torches used in the Apprentice Boys' procession?—I could not tell you the year.

635. You could not tell the time you used those sixty torches?—They did not use more than half a dozen of them.

636. You gave them out to be used?—About half a dozen.

637. When?—Some "18th" night.

638. You told me you gave sixty torches worth a shilling a piece out?—I gave them to a carman to take down to the Bowen people.

639. When did you do that?—Coming on to the close of the petition.

640. Has there been any torch-light procession since that?—No. It is very recent.

641. How long before that had there been a torch-light procession?—A great many years.

642. There had been no torch-light processions of the Apprentice Boys for many years before?—No.

THOMAS EAR
August 20.
Mr. John
Houghton

10800 D.B.
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 Deposited 20,
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 M. John
 Nicolson.

643. Then the only recent torch-light procession was the one for which the sixty torches were supplied by yourself?—Yes.

644. Did you see that torch-light procession proceeding on the public highway?—I saw it, as I believe I mentioned first, in Shipquay-place, and Watercloppan. It went round Rensville-street, and I saw it there again.

645. Mr. Commissioner ENHAM.—We may take it that it went through the main streets and roads?

646. Mr. McLaughlin.—All outside the walls.

647. Witness.—They had been out an hour before I saw them.

648. Mr. Ross.—How many people would you say were connected with that torch-light procession?—As it passed I saw a great crowd with them, and when they came up they had not many torches.

649. How many men framed that procession?—There were several hundreds. I am sure—not regular processions, but just a crowd following the band. They were not even in rank. The torches were nearly all burned out when I saw them. There were very few torches lighted then.

650. But had they not been previously burned?—I believe they had been burned along the streets up to Bishop-street.

651. Would you not say these were upwards of 2,000 persons following the torches?—I have no idea. I have not the gift to reckon crowds. There might be.

652. Did you hear from any person that upwards of 2,000 were following the torches?—I did not. There was a large number; before I saw it, it was broken up.

653. Did you hear there were upwards of 1,000?—I don't know how many I heard.

654. They were chiefly the "Boyside" men who were following the torches when you saw them?—I think so. I don't think there were many Conservatives to rejoice about their defeat.

655. And you think it would be highly conducive to the peace of the city of Londonderry if the magistrates had allowed this torch-light procession to come within the walls, and parade from street to street in the city? (Not answered.)

656. Now, don't you believe it would be highly conducive to the peace of Londonderry, if the magistrates, on that night, in place of keeping the people outside of the walls and in their own district, had allowed them to come in to the interior of Derry and parade about as long as they thought fit?—I think the magistrates had no right to prohibit it. They allowed them to come in when Sir Edward Reid was mayor, at the time of the election, and I believe they had far less reason—but if all things of the sort were prohibited by the bench, I think it would be very much for the peace of the town.

657. That is not an answer to my question. I want you to say "yes" or "no" to this. Don't you think it would be highly conducive to the peace of Londonderry to let that torch-light procession come inside the walls, and parade the streets of Londonderry as long as they liked?—I think the magistrates should have acted fairly. It was not fair to shut out one, and admit the other.

658. I am not asking you that?—Well, I think it is the duty of the magistrates always to look after the peace of the city. Every time any band comes out it tends to riot, and to lead to a row—but I apprehend every one has a fair right to the highway, unless there is an information given that there may be a riot.

659. Don't you think that upon that occasion the magistrates—now think it over, and confide yourself to this one occasion—don't you think the magistrates acted with the strictest propriety in using all the force at their disposal to prevent that torch-light procession coming within the walls of Derry?—I think whoever did it acted most partially; but I don't know who it was.

660. Mr. Commissioner MURPHY.—Do you think

they acted improperly—would there be a probability of riot if the procession came in?—There is a probability of riot on the occasion of every procession, but here the police allowed in one procession and kept out the other. Every display, more or less, tends to riot, and that like others would tend to riot also.

661. There is, very probably, as you say, a tendency to riot on those occasions, but was there a probable tendency to riot on that night?—Of course there would be.

662. And that tendency would be increased if they came inside the walls?—That is where the riot would be.

663. Then surely you have no difficulty in answering Mr. Ross's question in the affirmative—that the city magistrates acted properly?—Oh, I think most improperly and partially, in they allowed in one party and kept out the other.

664. Mr. Commissioner ENHAM.—That is not the question that was asked?—I say that everything of the sort tends to riot.

665. Mr. Ross.—Then your evidence is going up, and the value of your testimony is this, that all displays tend to riot?—Yes.

666. Now, supposing that the torch-light gentlemen came in, and that the Apprentice Boy party thought it advisable with their entire force to attack them, will you be good enough, as a Town Councillor and a respectable citizen, giving evidence now for the purpose of preventing riot—just to give the Commissioners an opinion as to the probable number of armed men that would be required under such a contingency to keep the peace within the walls?—I know they have always plenty for every other occasion.

667. But supposing the Boyside party, with their sixty torches, came in, and the Apprentice Boys, assembled with their entire force, had attacked that procession, could they be separated, and if they could be separated, do you think one regiment would be sufficient to do it?—I don't know, there is never a regiment here.

668. Mr. Commissioner ENHAM.—Don't you think the proper way to prevent them coming into contact was to keep them out?—It may be the proper way, but it was partial.

669. That is another thing. But was it not the safest way?—It was the safest, but it was unfair.

670. Mr. Ross.—Was this proceeding of the torch-light procession consequential to the distribution of the artillery?—Of the revolvers I heard.

671. At the time of the magistrates acting, as you say they did, unfairly and partially towards the torch-light procession of the Downe party, they must have been aware that both sides were extensively provided with arms—the Apprentice Boys from habit, and the Catholic population from recent circumstances?—Of course they must have been. It was common rumour.

672. Mr. Commissioner MURPHY.—Supposing on the previous night the magistrates had excluded a procession of the Apprentice Boys, and that on this night they excluded this procession of the other party, would you not think they acted on both nights with extreme wisdom?—I should think so. I know all these things tend to riot, but I may say that the general impression is that it was a partial feeling.

673. Mr. Ross.—I hear his evidence, and see how these matters are attempted to be established. It is impossible for me to show the propriety with which the magistrates acted, unless I separate the occasion, and deal with one act by itself. Having regard to the critical circumstances of the time, did you ever know the Apprentice Boy party to be more infuriated than they were about the time of that torch-light procession?—That is the night of the Downe torch-light procession?

674. Yes?—There was a very bad disposition ever since the election.

675. Were they not in a very bad disposition on that night?—I don't remember seeing them.

676. Did you hear—as you heard so many rumours

—that some of the magistrates had been informed by respectable citizens of Derry that if the procession were allowed to enter the city there would be no possibility of preserving the public peace?—I don't think the Peaceable Boys were during the day in much force, but during the night there was a procession, and they went in and out of the gates without making a stir, at the time the others were kept out.

677. Mr. McLaughlin.—The Apprentice party were allowed to parade inside and outside?—Yes; they were in ranks, and had a display of emblems.

678. Mr. Ros.—Do you mean to say they had torch-light?—No, but they had emblems, and were in a body, and marched about both inside and outside.

679. How many were there?—I did not see them—I only heard it.

680. And you knew nothing about it?—Yes; I just told you I was told it by several people.

681. Were you through any of the gates that night?—I was.

682. Were you prevented from going out and coming in?—No, but I was sent from one part of the gate to another where the police had a passage through.

683. Was there an order issued by the magistrates that because that procession was to be kept out as a procession, individual citizens, having no arms or emblems or torches, should be kept out also?—I heard of no private person being interfered with. I think there was a rumour that Dr. Harrow was not allowed to go through with a car. I was allowed to go out and in with difficulty.

684. There was no breach of the peace that night of any importance?—I don't remember anything. I did not hear of anything.

685. You know Bishop's gate? Was there an attack made on the police there?—At Bishop's gate there was an attack on the police, and a policeman's eye was knocked out.

686. Was there an attack made by the torch-light people at Bishop's gate?—I believe there was.

687. In which three unfortunate policemen were nearly killed?—I heard they were, but I was not there.

688. And that attack was made by the torch-light gentlemen?—Yes.

689. In the course of your experience did you ever know of a gentleman who originated a riot coming up to complain of the riot he had originated?—I originated no riot.

690. Do you not believe you were the originator of a riotous and illegal procession?—Not illegal certainly.

691. Do you not believe you were the originator of a riotous and illegal procession, and are likely to lead to a breach of the peace under any circumstances? Do you believe that?—I thought it would be a very nice thing if the people conducted themselves, but I certainly knew this, and every one must be aware of it, that it would tend to a riot, as all displays of the kind do.

692. You talked of a by-law of the Corporation, of which body you are a member, against permitting torches in the public street?—I am certain there is a by-law against permitting torch barrels in the public street, and I have always seen it violated.

693. You did not consider you were violating the by-law on that occasion?—Oh yes, but I knew it was customary.

694. You knew it was the custom, and because it was the custom you openly violated it and gave these torches?—No, I gave the torches, and had no other act in it. I knew that the torch barrels were a violation, but I don't know whether the torches were or not.

695. Mr. Commissioner Egan.—Didn't you know one was just the same as the other?—Well, I did.

696. Mr. Ros.—Others having violated the oath, you thought you might as well do the same?—Just so.

697. And do you now charge that the other members of the council violated their oath as you did?—I didn't say that; other members of the council may not have done it.

698. I suppose on that occasion when you violated the law you had taken the customary oath to act conscientiously and so forth?—I did not forget it.

699. You had no idea of breaking your oath—you knewed it, and still you violated the law and the declaration again?—Yes, a tea barrel had been burned at the Mayor's door a few nights before—the present Mayor and the late one.

700. You don't attempt to induce the Commissioners to believe that there was the same strength of public feeling about a little municipal election as existed with respect to the great contest between Lord Claude Hamilton and Mr. Downe?—There was a good deal of interest at Rathfriland coming to the chair, or there would not be tea barrels, which are so very unusual.

701. Do you mean to say our feeling is comparable with the other—that at a little municipal election and that at a great election for a member of Parliament?—I suppose it is general to have rejoicing and cheering at municipal elections as well as any other, but they are more customary at parliamentary elections.

702. But still you believe the feeling to be comparable at the two?—No, the municipal election being the less important of the two, it is less justifiable.

703. Then it is less justifiable to have torch-light processions for a parliamentary election, whereas there is a municipal election?—No, but more justifiable. It is more justifiable to have it after a parliamentary contest, and more unusual to have it at a municipal contest.

704. It does not appear to me to have been a very great election at all. Who was Dr. Rathfriland opposed by on the occasion of that election?—There was no opposition.

705. Were you a member of the Corporation at that time?—Yes.

706. How many members of the Liberal party are there in the Corporation?—Generally about ten, I should say, but there are more Conservatives.

707. There are ten Liberals, and fourteen Tories and Conservatives. Is that it?—Probably. I believe we are in the minority.

708. Dr. Rathfriland, I believe, was elected mayor?—Yes.

709. Unanimously?—There was no opposition.

710. John Henson being present?—I was.

711. And nobody proposed John Henson?—No.

712. And no one dreamed of him?—No one dreamed of him.

713. But when there was no contest about this business, how could you imagine any public excitement of a serious character likely to arise?—The excitement was strictly the tea barrels. I don't remember speaking of any excitement beyond that.

714. But how could you consider Dr. Rathfriland's election as mayor, by a council of twenty-four members, a partisan affair? How was the feeling exhibited at that comparable with the feeling at a parliamentary election?—It was a partisan act.

715. How now, weren't there Liberal members in the Corporation?—There were, but there could be no contest.

716. Why?—Because it's not usual in this Corporation to have contests. They make their minds up beforehand, and I never heard of an instance of it in Derry.

717. And now tell me—when there was no excitement in the Corporation, your complaint is that the magistrates did not give strenuous instructions to prevent the burning of a tea barrel in the city?—Yes.

718. That in your case of partiality?—Yes.

719. How many tea barrels were burned—60 at least?—I can't tell.

720. How many did you see burning on the different nights—on the night this dreadful Dr. Rathfriland was elected unanimously by his fellow-citizens—I am glad the fact came out, for I did not try to get it at all—how many were burned?—On the second night I remember seeing three in Pump-street.

THOMAS BARR,
—
August 22,
Mr. John
Henson.

THIRD DAY
—
August 29
—
In John
Hampton.

721. Mr. Commissioner RICHAM—How many?—I saw a couple of one time.

722. Mr. RICHAM—How many?—I can't specify the number.

723. Specify what you saw?—I saw the tar barrels burning.

724. Dr. Robinson was unanimously elected, and on that evening tar barrels were burned, and I want to know what you saw?—I saw the tar barrels going along, and I heard the cheering and grunting.

725. I am instructed that only one tar barrel was burning. If I was instructed six were burning I would just admit it as freely?—I saw several.

726. On that night?—On that night, and no other. There was no event of a particular character at the election of Dr. Robinson to be Mayor, but I went down to see what they were at on that night, and not on any other night. That is the only night I was speaking of, the night he was elected, and not the night he came into office.

727. I am speaking of the night he came into office?—There was certainly more than one tar barrel on this night.

728. I am not speaking of "this" night, sir?—Well, I am. I am speaking of the night he was elected.

729. Mr. Commissioner MORRIS.—Was there more than one barrel burning on that night?—Oh, yes, there was more, but I cannot tell you how many tar barrels were burned through the town of Derry that night.

730. Mr. RICHAM—Will you swear you saw more than one tar barrel?—Certainly. I am also sure that there were more there than on the rejoicing for Mr. Bigger.

731. Do you know the difference between a four barrel and a tar barrel?—No, I know nothing of what you have been instructed about four barrels.

732. Would you be surprised to learn that, in point of fact, on that night of Robinson's election to be Mayor of the city there was one tar barrel and one four barrel consumed?—Not a bit; but I am certain of more than one on every occasion.

733. At what time of the night did you see the barrels in December?—After seven o'clock.

734. After seven o'clock?—I think so.

735. When the shops were closed?—Yes.

736. And when the traffic had ceased on the streets?—I think it was the second night. I had just shut my door when I saw them.

737. On the night that the barrels were burned was anything done to you?—I don't recollect.

738. Try now?—I can't recollect.

739. They took no notice of John Hampton at all?—In that?—I am certain they grunted as they were going past—they always do it.

740. Did you hear those barrels were to be burned on that night?—I don't think I did.

741. Do you know any information given to any magistrate—surely those poor magistrates are to get something like justice—with regard to a probability of these being barrels burned, and a breach of the peace led to in consequence?—I don't know of any information.

742. Did you give any?—No.

743. Did you see any magistrate in the street where these barrels were on fire?—No.

744. You did not?—No.

745. Did you need to any magistrate to ask him to prevent the violence burning these barrels?—What has that to do with it?

746. It has something to do with it. These magistrates are accused?—Well I did not. The magistrates saw what was going on, and permitted it.

747. But you told me a while ago that you saw no magistrate in the street where these barrels were burning?—Yes; but no one could be in town and not see them. They were going past every one's place.

748. But suppose now?—But suppose nothing—say you going to be done? I have stated my case.

749. I know you have, and I am going to show

that your case is utterly untrustworthy, and your evidence not to be relied upon, and to a great extent I have accomplished my purpose with your help. Recollect now any fact you can remember to connect the magistrates with those gentlemen, and that transaction of burning the barrels?—I could not recollect any of these; but they live in the town and must have seen them.

750. Why must they have seen them?—Because they live in town.

751. How do you know they live in town—might they not have been down at their country houses or villas?—Well, that might be, but it was a very public thing, and the magistrates must have known it.

752. How must they have known it now?—By seeing it.

753. How do you know that any of them saw it?—I don't know, but they must.

754. Were you aware, when talking with the different sections that form the public opinion of Derry, that any individual made a complaint to the magistrates or to any one of them?—No.

755. Was there any complaint made to Mr. O'Neill, the Catholic magistrate?—I don't know. I made none.

756. Were there any complaints made to the constabulary about it?—I really don't know.

757. I believe you want the constabulary abolished as well as the magistrates?

758. Mr. Commissioner RICHAM—Oh, that is a question for our consideration afterwards.

759. Mr. RICHAM—I suppose you want all the magistrates of Derry to be deprived of the commission of the peace?—I believe the constabulary and the other police might act very fairly but for the magistrates.

760. I believe you gave the information to have the magistrates pointed out and named in order to have them deprived of the commission of the peace?—I believe they acted partially.

761. Don't you give this information to have the magistrates pointed out and named, in order to have them deprived of the commission of the peace?—I don't know whether they are to be or not; but it is my opinion they acted partially, and I am bound to state it. I don't blame the people at all, it's the authorities I blame.

762. If you instruct the magistrates for not preventing these four-barrels and tar barrels having been burned, how will you, or how can you, prosecute the constabulary from the same offence?—They were acting under the orders of the magistrates.

763. Had the constabulary the same means of knowledge within their reach of these tar-barrels or four-barrels being burned in the streets as the magistrates had?—They must have known it. No one could be in Derry and not know of it. Sure it's absurd to talk about their not knowing of it.

764. Did you see any member of that force interfering with the tar or four-barrels that evening?—No, I did not.

765. Do you know how near to the constabulary barracks this tar or four-barrel was carried when it was on fire?—I do not know whether it was carried near it or not. The only place I can testify to seeing it in was the Diamond.

766. Do you know any police officer or magistrate who was fired at when doing duty at that time in Derry?—No.

767. Did the magistrates or police officer refuse to interfere or remove this nuisance off the streets?—I don't know, but sometimes the police remove themselves.

768. Remove themselves?—Yes. There were two of them removed some time after they gave evidence in Court against Lord Chasid's party. On the night of the attack on the Town Hall there were two of the constabulary who gave evidence against the party who made the attack on the Town Hall and they were immediately afterwards removed. The other man who gave evidence against Mr. Down's mob—they were kept—Sub-Constable Reilly and Serraghan.

769 Mr. Commissioner EICHMAN—You are aware, Mr. Hampton, that the magistrates have nothing to say to the removal of the police. That is done by the Inspector-General of Constabulary.—We suppose that it is through their influence.

770 And that was the impression?—Oh, yes. It was very pointed—the removal of only the two men who gave evidence on one side. I don't say it was the magistrates—there might be a higher power over them.

771 And I to understand that the Inspector-General of Constabulary acts partially—is that what you mean?—I don't know by whom it was done; but it was very pointed.

772 Don't you know the head of the police force is Colonel Wood?—Yes.

773 Then, am I to understand that the impression of the people in the town is that he acts partially?—No. The public don't know what influence is used on the police force; but the fact is that the men were removed. I know nothing of Colonel Wood or anyone else.

774 Mr. Bea—Without imputing anything at all to Colonel Wood, I suppose what you mean is that the head of the constabulary here has acted partially, in removing two men who gave evidence against the Conservative mob and not removing the two men who gave evidence against the Liberal mob?—I suppose there was influence—I can't say what it was. I can't tell anything about the magistrates. I merely tell the fact that they were removed.

775 What you mean then, to say is, that the Lord Lieutenant used his influence with the Inspector-General of Constabulary to have them removed?—I can't tell; but the fact is that they were removed, and I can't go further than that.

776 Can you tell me this fact, that the constabulary officers are governed altogether by the Inspector-General?—I know nothing of it.

777 You never heard that?—No.

778 You say that?—Yes. It was believed it was Government influence.

779 How operating?—I can't say how it operated. I am only saying that the two men who gave evidence for us were removed, the Conservative Government being in power at the time.

780 That is in other words that the Duke of Abercorn used his influence?—I did not say it. I suppose he might use other instruments to do his work.

781 Mr. Commissioner EICHMAN—You say that the Lord Lieutenant had orders to do his work. Now, I want to know, do you wish to have that answer taken down?—I don't mean the Lord Lieutenant.

782 You have said it, and do you wish to have that answer taken down?

783 Mr. McLaughlin—The witness has not said it, but Mr. Bea has said it for him. You should consider the form of the question Mr. Bea put involved an answer that might appear as Mr. Commissioner Eichman has interpreted it, although the witness could not mean it as such.

784 Witness—I don't say the Lord Lieutenant did it, but it was done.

785 Mr. Bea—Now, will you be kind enough to tell the names of those who gave evidence against the Conservative mob and were removed?—Sub-Constables Berragham and Reilly.

786 Do you know about what time they were removed?—Shortly after they gave the evidence.

787 When was that?—The time of the riots.

788 What riots?—In July.

789 Last July?—July, 1868.

790 And who were the men who were not removed for the similar evidence against the other side?—I know Reilly remained in the town.

791 But tell me the names of the men who were not removed for similar evidence?—I did not say for similar evidence. I said that Sub-Constable Reilly and the others who gave evidence against the Downe mob were allowed to remain, while the constables who gave evidence against Lord Clarendon's mob were removed.

792 They were removed in July?—I don't know

when they were removed, but the riots were in July.

793 Did you hear that Reilly and Berragham were of the firing party at the Diamond in July last?—They might have been. No, Reilly was not. He was at Celerrion, and I don't think he was here.

794 Did you make any inquiry from the Sub-Inspector of Police about it?—No.

795 To ascertain why the men were removed?—No. I am only interpreting what the impression is. I could not trace it up to any source, nor I do not wish to impute corrupt motives to any one in authority.

796 It is a matter of courtesy to assume that all in authority are incorruptible. Did it ever occur to you to ask whether these men had not been removed at their own request?—No.

797 Did it ever occur to you to ask had they been removed to some pleasure station?—I heard they did not wish to be removed.

798 Did you ever ask any officer of the police?—No.

799 You had asked no one. Did you ever see the men afterwards?—I did see one of them.

800 Which of them?—I think I saw them both.

801 And you had a conversation with them, I suppose?—I am certain I spoke to them about their removal, and they, like all other policemen, said nothing.

802 And you found the police very confidential, didn't you?—No, they are always very cautious in what they say.

803 But you did see these men?—Oh, yes; one of them stopped me up one night and said the house was on fire, and I saw him then.

804 At the time you saw them they had been removed after giving the evidence against the Hamilton mob?—Yes.

805 Didn't you ask the men whether this was a fact or not?—I spoke to them about it, but they did not say what it was for.

806 Then they did not directly or indirectly inform you?—They made no complaint to me.

807 How long is it since you had that conversation with them?—I think I saw Reilly before he went away, and I think I saw Berragham when he was called in again on duty. I am certain I mentioned it to some of them.

808 And it was after you had that conversation you say this, and make the statement that it was true they were removed for giving their evidence against the Conservative mob?—I don't know the motive, but the public suspect it was.

809 Do you know by what mob the constabulary were chiefly attacked at the time of the election?—I did not hear they were attacked at the election. What till I see—I heard Mr. Kennedy giving evidence that on the night of the firing they were attacked at Butcher's Gate.

810 Don't you recollect at the time of the election the constabulary were badly injured by the Downe mob?—No; it's the time of the position, when they were keeping them out of Butcher's Gate.

811 Well, the time of the petition?—They were attacked then and severely injured—one of them on the face, another had his eye knocked out, or tied up, and I believe a third was in the infirmary.

812 How many did you see in the crowd you called the 'Protestant Boys' crowd?—Do you mean the procession with guns?

813 I mean the crowds that came round the town at night which you characterize as the Apprentice Boys' crowds—how many did you see in those?—About 500 I suppose. They were generally composed of a lot of workmen in front, with a few notables, such as Mr. Blaquiere and Mr. Johnstone, and two or three others.

814 Were you ever an Apprentice Boy yourself?—Yes.

815 Did you lately apply to be admitted a 'Protestant Boy' to any of the clubs?—The reason—

816 Did you either directly or indirectly apply to be admitted an Apprentice Boy again?—No.

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—
August 26.
—
Mr. John
Hampton

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80. John
H. Ryan.

817. And when you say "No," why did you take such a length of time to think?—Have you any other reflection question to ask?

818. Tell me, then, how long is it since you ceased to be connected with the Apprentice Boys' Society?—After voting for Gross they would not work with me.

819. When was that?—I think the election was in '63.

820. You have not been a member since?—No.

821. And you have neither directly nor indirectly applied to any of the clubs to be re-admitted?—No.

822. Were you a member of an Orange society?—Yes.

823. Mr. Commissioner EHRMAN.—We had better not go into that.

824. Mr. Ryan.—Were you ever a member of an Orange society?—I will not answer you any irrelevant questions any more. If you have any relevant questions put them.

825. Were you ever a member of an Orange society?—I'll not tell you.

826. Do you refuse to answer that question, on the ground that you think an affirmative answer would expose you to a criminal prosecution?

Mr. Commissioner EHRMAN.—It's not a question we will allow to be put.

827. Mr. Ryan.—Were you ever expelled from the society of the Apprentice Boys?—No, I never heard of any such thing being done.

828. Were you ever requested to resign?—No.

829. Were you ever expelled from the Orange Society?—I was not in the society that expelled me, and they had to rescind their order and admit that I was not a member of that club. I can show you the record.

830. Then I presume you were a member and were expelled?—No, they thought they expelled me, but had to retract. I did not join the society that you speak of at all, and could not be expelled. I can produce before the Commissioners the records, and show it is the contrary of what you state.

831. Then you decline to tell me whether you were expelled from the society or not?—I could not be expelled from a society I did not belong to.

832. Say whether you were or not?—I was never in it—not in that society.

833. Were you ever in any other society?—That is another business.

834. Were you in any Orange society?—I was not in the society you say. I was in a society of which Lord Dunsany is chairman.

835. Now tell me—your recollection of the Belfast riots of '44?—No; I know there were riots in Belfast. Frequently I have been in Belfast.

836. For the purpose of aiding the rioters? Did you on that occasion send a quantity of powder to them labelled as "musket"?—No. I went to Belfast once in company with Mr. Ferguson, and saw a Protestant meeting there, and walked about the Pound Lestrange and saw it.

837. Mr. McLaughlin.—With Mr. John Guy Ferguson?—Yes.

838. Mr. Ryan.—Now tell me this—?—I will answer you nothing about Belfast.

839. Did you, now, directly or indirectly—and you need not answer this question if you don't like—give any aid to the Protestant rioters at Belfast, who fought so well in 1864?—I had nothing to do with them.

840. Will you swear you did not send any ammunition to them?—Yes.

841. Or that you were not a party to sending ammunition to those rioters?—I had nothing to do with them.

842. Will you swear that you were not a party to sending ammunition to those rioters?—I sent them none.

843. Will you swear you were not a party to sending ammunition to those rioters—answer the question?—Certainly. I had no communication whatever with them.

844. I am not asking you that. Will you swear you were not a party to sending ammunition to them?—Not at all—not to them.

845. And to whom did you send the ammunition for that party?—It had nothing to do with that party at all. I sent guns—at least I got some scraps of guns from Mr. Griffith, a man in Dunsany. I don't think it was for rioters, or had any connection with rioters. Griffith can tell you all. I will answer you no further questions about that.

846. You will have to answer me, as my son won't answer me?—I won't answer you.

847. You spoke about an attack made by the people on the lecture-room of Mr. Dowse?—Yes.

848. Do you recollect that you, for the purpose of packing the meeting in the Corporation Hall, for a lecture to be delivered by Mr. Dawson, the member for the county, procured some hundreds of tickets to be forged, in order to procure the admission of parties to that meeting, whom the promoters intended to exclude?—I will not tell you a word about that. I may have a knowledge of it, but I will not repeat it.

849. Now, remember distinctly that I am giving you, a quiet citizen and Town Councillor of Derry, an opportunity of vindicating yourself from a charge of forgery?—No, I never forged in my life. Did you?

850. Mr. Commissioner EHRMAN.—I don't think that is a question which should be asked.

Witness (to Mr. Ryan).—After that exhibition I will not answer you any irrelevant questions.

Mr. Commissioner EHRMAN.—I wish to ask the witness a few questions, but I won't put them to-day.

Witness.—I will attend any day with pleasure. I wish to say that I never forged anything in my life, and it will be proved before long in this court, at the next revision, who were the forgers.

The Court then adjourned till the following morning.

FOURTH DAY.

SAUNDERS, AUGUST 21, 1869.

The Commissioners met at eleven o'clock.

Robert Ross, esq., J.P., examined by Mr. McLaughlin.

851. You are not now resident in Derry, I believe?—I am not.

852. Have you a place of business in Derry?—Not for the past year.

853. I believe you reside at Dufferin House, es. Tyrone?—I do.

854. And are a magistrate for that county?—I am.

855. Now prior to your going to reside there I believe you were a merchant in the city of Derry?—I was for half a century.

856. And I believe for a portion of that time you took a moderately prominent part in local affairs, and

understood all about Derry in its social relations?—I was in the Corporation for several years—an alderman, in it.

857. And I suppose you are well acquainted with Derry, and the people of Derry, and the history of Derry, for the last fifty years at least?—Well, I do not know. I know a good deal about it.

858. You remember in July last presiding on the occasion of Mr. Dowse's lecture in the Town Hall—on the 25th of July?—I had the honour to preside on that occasion.

859. Now I believe that was a meeting where the

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Robert Ross,
esq., J.P.

people were admitted by ticket, and which meeting was ordered to Mr. Dowse's friends, and supporters?—I was surprised by ticket; a ticket was sent to me, and on that ticket I was admitted.

860 And you were chairman?—I was chairman.

861 Do you remember whether the proceedings of that night were in any way interrupted?—Before the meeting had assembled, while they were gathering in the room—in the Round-room—

862 The Round-room is the antechamber so to speak of the principal room of the Corporation Hall?—The meeting was in the principal room.

863 That is the Long-room, as we call it?—In the Long-room, and some of the parties coming to the meeting had met in the Round-room waiting the hour that the meeting was to be held at.

864 Those were the more prominent members of the party?—I think so; at least I was one of them in that room.

865 The general company were in the Long-room?—The general company was in the Long-room.

866 Just proceed to mention to the Commissioners, in your own language, what happened prior to that meeting?—When in that room, waiting for the hour—I was looking out of the window into Bishop-street—I observed a number of men coming down in file—I think three deep—and they came down as if they were military, marching regularly till they came to the front of the door, and then they made an attack on the door. I was not down stairs to see what the result of the attack was, but there was a tremendous noise, and shortly after one of the keepers of the door brought a man up, the keeper himself being very much cut about the face.

867 The keeper of the door was Mr. Hogg?—Yes.

868 An exceedingly tall man?—Yes. Some of the parties were anxious that he should let the men go; and he said that he had hold of him now, and that he would not let him go.

869 Did you see any of the weapons that those men marched down with?—No, I did not.

870 You were not in the police court subsequently when this was produced?—[Producing a triangular notched bludgeon]—with a number of others?—I was not.

871 Now, did you observe those people who were marching down for any little distance before they came to the Corporation Hall door?—I think when I observed them first they were nearer to the Corporation Hall than Mr. Gilliland's.

872 Gilliland's is at the corner where London-street opens into Bishop-street?—They were on the Town Hall side of Gilliland's house.

873 And were the entire force out of London-street in Bishop-street when you saw them?—I think they were so far as I could judge, because I could not understand what they were going down in a body for, and I did not, till they made that awful row at the door, pay that particular attention to them that I might have otherwise done, being looking out of the window at the time.

874 When was it arranged with you that you were to be chairman of the meeting?—Oh, it was not arranged at all till I was in the Hall.

875 Then were you aware of any previous arrangements with the magistrates with reference to the possibility of disturbances?—Oh, clearly not; I had been living for a month before that in the country.

876 But you were an elector of Derry in virtue of your prior residence?—I was.

877 As I understand you were in the Round Room, in one of the windows looking into Bishop-street?—In one of the windows looking up Bishop-street.

878 From the position you occupied could you discover whether any of the city police were about the door of the Corporation Hall?—I could not observe them; but when coming in there was a sufficient force of police at the door to have prevented any riot if they had been properly handled.

879 When you were going in?—When I was going in about ten minutes before.

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880 When you say that there was at the Hall-door, about ten minutes before, a sufficient force of police, who, if they had been properly handled, could have prevented any riot or disturbance, do you mean the city police?—I think both were there, but certainly the city police were those in the immediate vicinity of the door.

881 The city police, I believe, are dressed in bright blue and the constabulary, as the Commissioners will take cognizance of, are dressed in dark green—invariable green?—Dark green.

882 The preponderance of police force at the door of the Corporation Hall were undoubtedly city police?—I think so, that is my impression.

883 And, notwithstanding that, an attack was in point of fact made on the Hall?—Beyond question; if you can judge from the fact of the row down stairs being up stairs I could not tell.

884 Because you were not an eye-witness?—I was not an eye-witness.

885 After a time you saw Mr. Hogg the door-keeper coming up bleeding, and the man of the attacking party who had beaten his way in, in the room—you could not tell what his name was?—I do not know what his name was—I do not know who the man was.

886 I believe eventually he left under the Summary Jurisdiction Act by jumping out of the window of the Round Room?—I do not know that either.

887 And I believe this [the notched bludgeon before produced] is the instrument that was taken from him—but we will prove that by Mr. Hogg?—Mr. Hogg had an instrument like that in his hand, which he said he had taken from the man.

888 Now, when you went in, about ten minutes before this disturbance began, of course you had to walk along the stone hall at the foot of the stairs and go up the lobby, one entrance leading to the Round Room and another to the Long Room?—Yes.

889 Did you observe whether there was not at that time in the lobby a number of men to protect the Hall?—I think there were more in the hall than in the lobby; very convenient to the door of the round room.

890 Do you know whether or not, in consequence of a rumour that existed to the effect that the Hall would be attacked, Mr. Dowse's friends or those in charge of the lecture had applied to the magistrates?—I am not aware of my own knowledge; I have no knowledge of that whatever.

891 I ask you whether you saw it stated in the papers afterwards—because that is a question that I have a precedent for, clearly—that such an application had been made?—Well, I think I have some recollection of reading it in the papers.

892 Do you know that, in consequence of what was anticipated, a number of persons had been placed by Mr. Dowse's friend's in the Hall to prevent those people from breaking in?—I was told so. That is all I know.

893 And you saw a number there?—I saw men there, beyond question; no doubt about that. The other is mere hearsay.

894 You have nothing more to say as to what took place, so far as you saw, in the Round Room?—Certainly not.

895 I suppose you saw the crowd in the street very riotous?—There was a tremendous rumour in the street outside the door. That quieted down, and then the meeting was assembled in the large room.

896 The meeting then assembled in the large room, and you took the chair?—I was asked to take the chair.

897 Of course, and up to the time you had taken the chair was there anything done to the Hall beyond the attempt to break into it, so far as you know?—Not that I am aware of.

898 After you had taken the chair, and before Mr. Dowse had begun to speak, was there anything done to the Hall except the attempt to break in the door, so far as you know?—There was a continual breaking of the windows from the outside by something being thrown against them. What it was I don't know; C

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Robert Head,
esq., &c.

but there was a regular volley of something thrown against the windows.

902. What time was that?—I think it was immediately after the retiring into the large room—into the large room.

903. I believe the stones came in pretty thickly?—They did not come further than the windows. They took the precaution to get the shutters up.

904. It was in the summer?—In the summer.

905. The lecture, I believe, was advertised for eight o'clock?—I think it was eight o'clock. It was a few minutes before eight when I went there.

906. And they used the run-light, or what remained of it, for the purpose of illuminating the room—you had not the gas lighted?—Well, I do not think the gas was lighted.

907. The shutters were open at that time?—The shutters were open.

908. Then it was in consequence of the breaking in of the windows by stones thrown by the rioters that the shutters were put up—then it became absolutely a matter of necessity to close the shutters?—Well, I think so, the parties in the immediate vicinity of the windows ran very considerable risk. I myself, standing on the platform, drew a little back that I might avoid them, coming through. The windows were on both sides.

909. Were the stones coming into the hall on both sides, or were the windows at both sides being broken?—I think they were at the end.

910. The end refers to that portion of the Hall looking down Shipquay-street?—Looking down Shipquay-street.

911. Leading to the seat?—The chair was immediately in front of those two windows.

912. Did that interrupt the proceedings much?—Well, it did for a little. The speaker himself was a little put about for a few minutes; but beyond that there was very little interruption.

913. The only other question I want to ask you is this: I suppose the safety of those inside was a good deal imperilled by the stones being thrown in?—I think that if there had been no shutters they must have suffered from the number of stones, or bricks, or something, that were thrown against the windows. The panes were all broken. They did not suffice, because the missiles did not come into the room. Had the shutters not been there they must have suffered. It could not have been otherwise; it is impossible.

914. About how long did this attack on the Hall, as regards the breaking of the windows, continue?—More than an hour.

915. And all that time Mr. Downe was going on trying to speak, and they were going on trying to break in the windows, and you were going on proceeding with a calmness suited to the occasion?—Well, as soon as one could possibly be under such circumstances.

916. I believe that is all you know about that night?—That is the whole of what I know about that night.

917. When you were going away that night from the Hall, was the town returned to quietness?—It was perfectly quiet when I came down from the Hall to get my horse and gig. I came down straight from the Hall immediately after the lecture.

918. Do you know one of the city local magistrates named Mr. John O'Neill?—I do.

919. About what time did you leave the Hall, going home?—Oh, immediately after the meeting. I think it was close on ten o'clock, so far as I recollect; but I am not quite sure. It was between nine and ten.

920. At this time had the military been called out?—I think they had.

921. You do not know of your own knowledge the circumstances under which they were called out?—I do not.

922. But I suppose you have little doubt in saying that the calling of them out tended to the preservation of the public peace?—Oh, I have no doubt whatever in my own mind of the public peace being kept by

the military being there. There would have been bad consequences when the men came out from the Hall if there had not been a force sufficiently large to control those outside.

923. Mr. John O'Neill was, I believe, the main person, with the Mayor of the day, Sir Edward Reid, in having the military called out?—I do not know of my own knowledge. I heard it, but merely heard it.

924. Mr. Commissioner MURPHY.—Did you hear it from themselves?—I did not.

925. Mr. M'Loughlin.—Do you know that Mr. O'Neill was publicly blamed in the newspapers for having brought out the military on that occasion?—I saw him blamed for it.

926. Mr. REA.—I object to this. In what papers?—In the local papers.

927. Mr. Commissioner MURPHY.—Did you see in the papers that he was blamed for it?—Yes.

928. Mr. M'Loughlin.—Do you know whether a very strong attack was not made by the public journals of this city against Mr. O'Neill for having called out the military that night?

Mr. REA.—I object to this. It is monstrous! I protest against it. I am prepared to argue this.

Mr. Commissioner EHRAM.—Now, Mr. REA, we wish to tell you once for all that we will not allow you to obstruct our proceedings here. This court is in reality our private room. We have obtained the use of it by the courtesy of those who had the power of granting it; it is as much our room, within our own control, as any apartment in our private dwellings, and we say, if we choose, direct any one to leave, if we think it necessary to do so. We do not wish to do that if we can help it. We are sitting here to conduct the inquiry intrusted to us, and we are glad to have your assistance, or the assistance of any other professional gentlemen, but we will not permit you to obstruct the business by making unbecomingly objections and discussions. What we will do is this—we will allow no question to be asked that we think ought not to be asked, but we cannot, and will not, allow time to be wasted by fruitless objections.

Mr. REA.—If parties are not heard there is no use of their appearing at all. I beg of the Commissioners seriously to consider their ruling. If you carry out your ruling I think I may fairly adopt the language of Mr. Butt in the Court of Common Pleas, and say as he did, that the decision of such a court would go forth without authority and cease back without respect. The report of the Commissioners will not be worth the paper it is written on—your whole proceedings will be abortive.

Mr. Commissioner EHRAM.—Mr. REA, we are not going to do anything that will render the Commission abortive, but we now tell you once again that we will not listen to discussions or objections. As I have already said, if we see anything wrong in the question asked we will not permit it to go on the notes, but we will not have our ruling violated. There may be some exceptions to the rule we lay down, and we do not bind ourselves rigidly to it in case any question is raised, but recollect the matter you are now objecting to we decided yesterday to be right, and we can not and will not allow these discussions, which, if permitted, will render the inquiry interminable. Proceed, Mr. M'Loughlin.

929. Mr. M'Loughlin.—Now did you see Mr. O'Neill blamed in the public journals for having called out the military on that night, when the calling of them out, in your opinion, preserved the peace?—I saw comments made on Mr. O'Neill's conduct in calling them out, and I am strongly of opinion, that if he had not acted thus wisely on that occasion there would have been bad consequences.

930. And I believe the charge that was made was that, that Mr. O'Neill being a Catholic was a supporter of Downe, and that he called out the military in the interest of Downe; was Mr. O'Neill blamed for having as a Catholic and a supporter of Downe, called out the military in the interest of Downe?

Mr. Ros.—I object to this altogether.

928. Mr. Commissioner MURPHY.—Are you aware of that?—From my seeing it in the public journals of the day.

929. Mr. Ros.—None the journal I—I think it was the *Scotman*, if I don't mistake. I think it was the *Scotman*.

Mr. Ros.—I say that the journal he refers to ought to be here.

Mr. Commissioner EHRAM.—Go on with the evidence.

Mr. Ros.—It is not clear to me that I will not leave the Court. You are assuming the jurisdiction of the Queen's Bench, and are liable to be indicted for conspiracy.

930. Mr. McLaughlin.—Now, do you remember, after that 20th of July, any proceedings before the magistrates, arising out of those riots?—Not of my own knowledge. I was in none of the courts.

931. But I believe public feeling was a good deal excited by this occurrence?—Beyond any question of doubt it was.

932. That was on the 30th of July?—I think it was the 20th of July—I think so. It was in July, and I think it was the 20th. It was the first meeting held by Mr. Dawson in the Corporation Hall. I think it was the 30th of July, but the exact date I have not got.

933. Now do you remember whether you were in town on the following 12th of August?—I have no recollection.

934. I suppose you know, from the ordinary sources of intelligence, that there was some celebration on the 12th of August?—I do not know of my own knowledge, but I have reason to believe there was on the 12th of August, 1868, the same as in former years.

935. Now, having regard to the fact that these displays are taken part in by one party, and are offensive to another party, do you consider, with reference to the state of public feeling at that time, that it was judicious on the part of the magistrates to permit those displays?—I think they would have acted very wisely to have prevented them, in the state of public feeling; and I think it would be very desirable if all party processions were put down, of every denomination; and till that is done we shall never have peace in this city. That is my impression. Whether right or wrong, it is my impression.

936. And of course that observation of yours applies to all processions, of every party and every denomination, and at every season of the year?—All processions of the year.

937. Whether the 12th of July, the 12th of August, the 18th of December, or any other time?—It does not make a shadow of difference whether it is Patrick's Day or the 18th of December, or any other day, every denomination should be obliged to keep within their own houses, and attend to their business.

938. And there never will be peace in the city otherwise?—That is my impression.

939. Mr. Commissioner EHRAM.—And I suppose you apply that to tar-barricaded processions?—Every procession. They do no good, and they do an amount of evil.

940. Mr. McLaughlin.—Now, in point of fact, I believe that on every 12th of August and 18th of December there have been processions here?—I think that has been the practice for so long as I recollect.

941. I believe, in point of fact, on the 17th of March there never is a procession?—I would not say there never was.

942. But I mean for a great number of years back?—I think not, so far as I recollect; but there has been a procession.

943. And they were put down by the magistrates?—They were.

944. I believe there was no procession on the last 17th of March?—Well, I could not answer that, for I have no recollection of being in town.

945. I believe the great bulk of the magistracy here are, in religion at all events, of the same class as those

who took part in the proceedings of the 18th of December and 12th of August? [Question directed to be postponed.]

946. I suppose you occasionally are in Derry?—Yes, once a week.

947. And will probably be here some day in the next fortnight?—I will come back again on next Wednesday if you wish me to come again, or if the Commissioners wish me any other day I will come with pleasure.

948. Do you remember being in town on the night of the 29th of November. I believe you generally leave town early in the evening?—That was the night of the election?

949. When Alderman Miller overcame Mr. Higgins?—I was not down that night.

950. Nor on the night of the nomination and election of Dr. Babington?—Not all night. I left the court here, I think, about half-past three, or a few minutes before the court closed.

951. You are speaking of the nomination of Mr. Dawson?—Of the return of Mr. Dawson.

952. I did not speak of that. You, in point of fact, then, know nothing of the tar-barricaded procession?—Nothing.

953. Then, coming down to the 29th of April last, were you in town that night?—I was not.

954. Then you know nothing about that?—I do not.

955. You have no doubts at all about the soundness of the opinion you have expressed, that till those demonstrations, tar-barricaded and others, are put down, there will never be peace in the city?—That is my impression. I was in town on the day you refer to in April, but I left a little after three. A hole inside the wall I saw the Apprentice Boys with their flags and guns passing up, and I observed—"There will be mischief before this night is over."

956. Mr. Commissioner EHRAM.—That was the day of the Prince's arrival. Was that after you had seen the guns?—I saw them going up to the wall before me, and from the appearance of the party I just said, burning round to say wife—"I think there will be mischief to-night before it is over."

957. Mr. McLaughlin.—I suppose the ordinary authorities had the same opportunity of seeing all these things and much better than you had?—Better; because I have not been much in Derry.

958. But I mean on the particular day that you refer to?—Oh, clearly, they must have seen it; because I was merely in for the day, going out at half-past three.

Cross-examined by Mr. Ros.

959. Now, you have told us what you know about that disturbance of Mr. Dawson's lecture. Do you recollect other lectures of other gentlemen having been disturbed by their opponents?—I do not.

960. Do you not recollect the time when Mr. John Hampton was supposed to have got up a disturbance at Mr. Dawson's lecture?—No.

961. You have been present when there were other electrifying contests in Derry?—I have.

962. Do you ever recollect any contested election in Derry—any seriously contested election in Derry—when the usual election riots did not occur, upon the nomination and other days?—I never saw an occurrence like that which took place in July, 1868, at Mr. Dawson's private meeting.

963. You do not know the disturbance of Mr. Dawson's private meeting?—As a resident here I do not recollect seeing anything that was very serious.

964. Were you a magistrate then?—I was not. I had always refused the magistracy of this city. I had been very frequently and repeatedly requested to accept it, which I declined to do.

965. You do not recollect whether the annoyance given to Mr. Dawson was more serious than that given to Mr. Dawson?—I have no recollection of any annoyance given to any member returned equal to that given to Mr. Dawson.

FOURTH DAY.
August 22.
Robert Rosd,
counsel, &c.

ROBERT DALL.

August 21.

Robert Dall.

esq., &c.

966. But you did not happen to be in the chair at Mr. Dawson's lecture?—I think not.

967. At any rate, in consequence of the shutters being closed, none of the stones came into the room?—They did not; at least they did not come far enough to do harm; when they came through the windows they were stopped by the shutters.

968. And there was no person inside injured?—There was not.

969. And there was good deal of clamour outside?—There was.

970. And that continued for upwards of an hour?—More than an hour.

971. But the clamour was not so great as to prevent Mr. Dawson making efforts to address the meeting during the continuance of it?—It would be a very great clamour that would put down Mr. Dawson if I have any opinion of his ability in speaking.

972. I suppose Mr. Dawson was rather improved in consequence of the excitement?—Well, I think not; it annoyed him very much and gave him a very indifferent opinion of our citizens.

973. He did not know them before?—Not as well as he did after that night.

974. Now, I want to leave the Dawson lecture and the Dawson lecture alone, and I want to ask you with regard to electorating contests, with the object of showing that really there is nothing peculiar in Derry; I believe there were several elections here without a contest, in consequence of Sir Robert Ferguson having contrived to please both parties?—Well, I do not know whether it was his contriving to please both parties.

975. I suppose practically you never recollect a contested election without riots?—I do, without anything serious.

976. The magistrates were angry then?—Well, I do not know whether they were or not.

977. Well, with regard to the other point, about your opinion as to the necessity of re-enacting the penal laws against all portions of the population, you say you think all portions of all parties ought to be prohibited?—That is my opinion.

978. In other words, is it your opinion that, for the purpose of preserving the peace public liberty should be annihilated?—I did not say public liberty. I said all demonstrations of every kind ought to be put on and so.

979. Then do you go so far as to hold the opinion that, for the purpose of preserving the public peace, the common law right of assembly should be interfered with by special legislation?—I mean to say that all exhibitions with colours, and guns, and music, should be put down.

980. Now, do you apply that to the proceedings of Orangemen and friendly societies?—I do not believe they go with guns and—

981. They go with colours and carbines?—Sometimes they do.

982. And I suppose you are of opinion that there should be similar legislation for Ireland, England, and Scotland?—I do not know anything about what is necessary for England and Scotland. I only know what is necessary for our city for the preservation of peace.

983. You are not one of the Protestant Repeal party?—I am not.

984. Then you prefer an empire to a nation?—I prefer my neighbours to live in peace and charity.

985. Would you, as an Irishman, be subject to the degradation of having restrictions put upon your liberty, to which you would not be liable if you were living in London or Edinburgh?—I do not know. I have not been living in those places.

Mr. Commissioner KEENE.—That is a matter the witness need not go into. Our inquiry here is confined to Derry. It is his opinion about Derry we want, not about other places.

Mr. Ros.—Then I say, if you do not permit this, your proceeding is entirely illegal.

Mr. Commissioner KEENE.—That is an observation that we, holding this inquiry under the warrant of the

Lord Lieutenant, cannot allow to pass. It would be an insult to ourselves if we permitted such an observation to be made. The inquiry we are holding is perfectly legal. The manner in which we are holding it is perfectly legal, and you are only here by our sufferance.

Mr. Ros.—I protest against it as illegal, and I submit only because I have no remedy.

Mr. Commissioner KEENE.—If you do not go on with the inquiry, being here by our sufferance, in the way we can permit you to proceed, we must go on with the inquiry and not allow you to interfere.

Mr. Ros.—I have not the slightest objection.

Mr. Commissioner KEENE.—Then go on or not.

Mr. Ros.—I will go on when you are done.

986. (To Witness).—Is it your opinion that there should be a prohibition with regard to the city of Londonderry that would not be applicable to any other part of the county of Londonderry, or to any other part of Ireland, or to any other part of the three kingdoms?—I have given my opinion, I think.

987. You have given your opinion with regard to the necessity of putting down proceedings of all descriptions which might be offensive to the other party?—Of that was your opinion?—I said all parties.

988. When you gave your opinion with regard to the necessity of prohibiting all assemblies, that might be offensive to those mysterious individuals called the other party, do you mean that the prohibition should be for Londonderry city only, or for the county, or for all parts of the empire?—I am speaking for the city. I do not know what may be necessary for the county Antrim, for instance.

989. Is it your opinion, then, that there should be special legislation, to prohibit all assemblies of every description in the city of Londonderry, that might be considered offensive to what may be called the other party?—I have given my opinion already.

990. Is that your opinion?—I have given it, and there is no necessity for repeating it.

991. Then, are you of opinion that, when it was notorious that Mr. Dawson's lecture in the Corporation Hall might be considered offensive to the other party, Mr. Dawson should have been prohibited from delivering his lecture?—My opinion is, that the Hall was Mr. Dawson's during the night, so much so this Court is the Commissioners' to-day; and he had the full charge of the Hall, and might do what he liked with it.

992. You have expressed a certain opinion to Mr. McLaughlin, and have repeated it even in stronger terms to me?—Yes.

993. Did you not know, when you took the chair at Mr. Dawson's meeting, that that proceeding of Mr. Dawson's, whether rightfully or wrongfully, would be offensive to certain persons, they being of the other party?—Clearly not, for Mr. Dawson's meeting was called that he might express his political opinions, and there could be nothing possibly wrong in that, nor in Mr. Ros doing the same thing in this court if he chose.

994. You are of opinion that all assemblies likely to be offensive to the other party should be prohibited?—I have answered it clearly and distinctly, and it is taken down now, and there is no necessity for repeating it.

995. Did you believe at the time you took the chair that to some persons—all disposed persons—that lecture of Mr. Dawson's would likely give offence?—It could not give offence, for they could not know what it was. They could not know what his opinions were till they were expressed.

996. You think that the magistrates would have been wrong in trying to prevent Mr. Dawson and his friends from exercising their legal rights?—I do not understand the question.

997. Supposing the magistrates, for the sake of preserving the peace, had prevented Mr. Dawson?—I—They granted permission.

998. Supposing that, for the sake of peace, they had prevented the lecture, there could not have been any riot—there would have been nothing to riot

about?—The meeting could have been held elsewhere than in the Town Hall.

999. Suppose they, for the purpose of preserving the peace, had done here in Derry what was lately done in Birmingham, with regard to a superior speaker to Mr. Dowse, Mr. Murphy, and that they had prevented Mr. Dowse and his friends from exercising their legal rights?—They could have only prevented him in the Corporation Hall.

1000. Suppose they had prevented him anywhere?—They could not have prevented him anywhere. If a man has a house he can invite his friends there if he pleases. They have no power to prevent a man using his own house if he likes. It is nonsense.

Mr. Commissioner EXHAM.—Have you any other question to ask the witness?

Mr. RES.—I have several—a dozen at least.

Mr. Commissioner EXHAM.—Then ask one.

Mr. RES.—I must ask the Commissioners to hear with me while I—

Mr. Commissioner MURPHY.—If you have any question to ask, ask it.

Mr. RES.—What I am about to say is this—

Mr. Commissioner MURPHY.—Mr. Bond, you may leave the chair. [The witness retired.]

Mr. RES.—I protest against this as illegal, and if the Mayor of this city, who is the representative of the Sovereign, does his duty, I will speedily put an end to this Commission. You are usurping the functions of the Queen's Bench. Your proceedings are altogether illegal.

Mr. Commissioner EXHAM.—I order you to sit down and not open your lips again. If you do, we will have you removed from this our private court.

Mr. RES.—If you do I will expose your whole proceedings. This is outrageous. Such orders were never made in any court of justice, and I will lay an indictment against you for the conspiracy that brought you here.

Mr. Commissioner EXHAM.—You must hold your tongue. Mr. Inspector, will you—

Mr. RES.—Very well, I will sit down, but I will lodge my protest in writing from time to time.

Mr. Commissioner EXHAM.—You may do so, but you must hold your tongue.

FRIDAY DAY
August 21.
Robert Bond,
att. J.P.

Mr. David Hogg examined by Mr. J. Loughlin.

Mr. David
Hogg

1001. You reside in Derry?—I do.

1002. I believe you are a brother of Adam Hogg, one of the firm of McIntyre, Hogg, and Company, of the shirt factory?—I am.

1003. How long have you been residing in Derry?—Eight years.

1004. I believe the firm with which you are connected employ a large number of people, and you have a remaining knowledge of the community generally?—We employ a large number of people.

1005. About how many in this city?—I do not talk of those you employ in other places?—From 600 to 800, as business is busy or slack.

1006. You do not include in those 800 the people you employ in the rural districts?—Certainly not.

1007. Nor the staff you employ in London, or Manchester, or Paris?—No.

1008. You remember the night of Mr. Dowse's lecture?—On the 29th of July, 1868?—I do.

1009. You were one of the gentlemen, I believe, employed to stand at the door and take the tickets that gave the right of admission on that evening?—I was.

1010. Prior to your taking up your stand at the door on that occasion, were you present when any communication was made to the Mayor or any other magistrate as to apprehended disturbances?—I was present when a communication was made to the then Mayor.

1011. The then Mayor was Sir Edward Reid, I believe?—Yes.

1012. Was that on the same day of the evening on which the lecture took place?—Yes, it was.

1013. You, I believe, were fully examined before the magistrates in the proceedings arising out of this attack on the Hall?—In the prosecution.

1014. And the proceedings generally?—I was.

1015. Now, who were the gentlemen who were present on the occasion when you heard certain representations made to the Mayor as to an apprehended attack on the Hall?—Mr. McCarter, of Fife-street—

1016. Do you mean George or William, the gentlemen in the Corporation?—The gentleman in the Corporation, George. I forgot his name—and Mr. Charles O'Neill.

1017. Mr. Charles O'Neill is another Town Councillor?—Yes.

1018. Were there any other persons present except the Mayor, Town Councillor McCarter, Town Councillor O'Neill, and yourself?—I think not.

1019. Would you be kind enough to mention to the Commissioners, as briefly and clearly as you can, exactly what took place on that occasion?—One of the gentlemen, I think it was Mr. McCarter, stated to his worship that he had received information that there

was to be an attack made that night on the Hall, and asked him to make such arrangements as would prevent that, something to that effect, not the exact words.

1020. Now, what did the Mayor say to that?—I forget now what he stated—the sense of it was an explanation of what he would do to preserve the peace.

1021. Are you able to tell the Commissioners, substantially, what the Mayor did say he would do, in order to preserve the peace?—I am not.

1022. Did both the gentlemen who were with you on that occasion take part in the conversation?—They did.

1023. You were acting with those who were arranging the lecture?—I believe?—I was.

1024. Now, in consequence, do you know whether the gentlemen who were there with the Mayor were satisfied or not, so far as you know, as a matter of fact, with what he stated?—They seemed to be satisfied.

1025. I believe it was also thought desirable to take some precautions in the Hall in order to keep out any person or persons who might attempt to break in?—It was.

1026. Will you tell the Commissioners, if you please, in answer to my question what these precautions were?—I believe a number of grey labourers were engaged?—There was a number of men, I believe, engaged. I do not know who engaged them; but there was a number of men came, who had tickets, and they stayed in the lobby of the Hall during the evening.

1027. What class or rank of men were those?—Working or labouring men.

1028. Were those working or labouring men numerous?—There were thirty or forty I should think.

1029. What time did they come to the Hall, so far as you know that evening?—They began to come shortly after six.

1030. I believe they came in dribbles?—Yes; they came in two and three.

1031. So as not to attract attention?—Not in a body.

1032. And I believe their business there was to support you as the door-keeper, and to prevent any intrusion into the Hall?—It was.

1033. Had they any other business there than that?—No other business.

1034. Now, the whole of those persons who were there to prevent this apprehended intrusion—were they all in the lobby and passages before the general company began to assemble?—No, there were a few of them came after.

FORNIE DAVE,
August 21.
Mr. David
Bogg

1035. With the general company?—Yes; with the general company.

1036. What was the hour fixed for the meeting?—The hour fixed was eight o'clock.

1037. At what time did you first come to the Hall that evening?—I was at the Hall a good deal of the afternoon.

1038. But what time did you go there in order to take up your position?—I went there about six o'clock.

1039. The admission to the Hall, I think you stated already, was by ticket?—It was by ticket.

1040. Were those men who were in the passages, and who were coming in two and three from time to time, as you have described, there for any other purpose whatever but to keep order?—For no other purpose that I know of.

1041. Now, when did you first begin to take the tickets that night?—The people began to come shortly after six.

1042. It was in the month of July, the 20th of July, I believe, and at that time of the evening of course you had plenty of light?—Daylight—yes.

1043. And standing in front you had a full view up Bishop-street?—I had.

1044. Extending to the point where, between Lindsay's corner and Gilliland's corner, London-street joins upon Bishop-street?—Yes.

1045. Did you, for any reason, you need not tell what the reason was, pay any particular attention to Bishop-street, and the direction of London-street?—Not for some time.

1046. But subsequently I believe you did?—I did.

1047. Would you just tell the Commissioners, if you please, the particular circumstances, as a matter of fact, that led you to direct your attention to that place?—Did anyone come with a ticket, or anything of that sort?—Well, there was a gentleman came with a ticket.

1048. Is that gentleman since dead?—He is.

1049. Say nothing then about him. I believe in point of fact one or two persons that presented themselves with peculiar tickets were refused admission?—There was one refused admission.

1050. Do you know a man of the name of McGirr who was a foreman printer of the *Journal Office*?—Yes; I do.

1051. I believe those tickets were printed, as a matter of fact, in the office where he is the foreman printer?—I am not aware.

1052. Well I believe you know this, as the person who took the tickets, that the tickets contained a blank for the name of the bearer of the ticket, so that they could not be transferred?—They did.

1053. Did you observe Mr. William Magee there at the time?—I did.

1054. Do you know, as a matter of fact, why it was that he was placed there?—To assist me, and he having a practical knowledge, as a printer, of any difference that might be, but there should be any forged tickets presented.

1055. And he was there at the time you refused to let in AB or CD, on tickets that he thought to be forged?—He was there at that time.

1056. Now, what time, so near as you can recollect, was that?—It was between seven and eight I think—about half-past seven.

1057. Now, shortly after that did you observe any men, or a body of men, coming down Bishop-street, from the direction of London-street?—I did.

1058. Where were they in Bishop-street, when you first observed them—or were they entirely out of London-street?—They had just turned the corner of London-street, and were in the middle of Bishop-street, marching down the street.

1059. They were marching in military array?—They were.

1060. Was the tail of the body of men, so marching in military array, out of London-street when you saw them in Bishop-street?—It was.

1061. Just describe the appearance and aspect of those men—but do not give any names?—Those men were to the number, I should say, of about fifty. The front ranks were marching four deep, and they marched steadily down the street. Within a few steps of the door they broke into a sort of run.

1062. Now, while they were so marching down the street, and prior to the time when they so broke into a run, had any persons standing near you, or standing at either side of the street, a good opportunity of seeing those men marching down?—Yes; they had a good opportunity—as good an opportunity as I had.

1063. I believe from London-street corner to the Town Hall entrance is about a pistol shot, or rather more?—I should say it was about that.

1064. How many yards, could you say?—I cannot say.

1065. Now, prior to this, had you any police, constabulary or otherwise, about the door with you to preserve order?—There were the city police standing on each side of the door.

1066. Mr. Commissioner MURPHY—How many?—There were three to four on each side of the door.

1067. Mr. McLaughlin—Did they make a little kind of avenue through which people passed into the Hall?—Yes; they kept their backs to the entrance, and, of course, the outside one was further apart from the men facing him than the inside one was.

1068. Then the ratings at the entrance to the hall spread out like a fan?—Yes.

1069. Had those city police as good an opportunity as you had of seeing the marching body coming down?—Quite as good.

1070. While the marching body were coming down and approaching, did you see any effort made by the city police to resist their progress?—Not the slightest.

1071. Let me ask you, were there constabulary on the street?—Yes; there were, further up, they were some few steps from the door.

1072. Then they were nearer London-street than the city police?—They were.

1073. You did not know, as a matter of fact, that the constabulary had been placed on the door with the special object of preventing an incursion?—I did not know.

1074. But you did know that the city police were there in that way?—Yes.

1075. Can you state the number of the city police that were there, as well as you can recollect?—Six or eight.

1076. Can you say whether any effort was made by the city police to call the attention of the constabulary to the attacking party advancing?—Not to my knowledge.

1077. When the party broke, as you say, how far were they from the Hall?—About six or eight yards, I should suppose.

1078. I suppose when they broke into a run the run resulted in some of them rushing forward to the Hall?—Yes.

1079. I believe you identified the individuals—do not give their names now—who came forward in the front?—I identified some of them.

1080. Now, did you observe the city police, either those who stood in the little avenue or those who stood further towards the street, making any effort to prevent the coming forward of those men?—They did not make the slightest effort.

1081. When those men broke into a run, did it then appear to you that they had any weapons you had not previously seen?—They had; they produced weapons then.

1082. It was after they broke into a run that they produced the weapons?—Yes.

1083. Did you ever see that before (producing a notched transparent badge)?—I have.

1084. Did you ever see it before?—I do not know.

1085. Is that a scar on the side of your face?—Yes.

1086. When did you get that?—I got that on the 20th of July.

1087. From a surgical instrument like that—From an instrument similar to this [referring to the blood-pot].

1088. Then, when they broke into a run, all appeared to be armed with things like that—The front ones were; I cannot say for those in the rear.

1089. How many of those have you seen at any time produced before the magistrates?—I forget how many were produced, but there were several—by the police and constabulary.

1090. Now, they were not all of this triangular shape?—No; I saw one eight-cornered.

1091. And there were some perfectly round, I believe, like a policeman's baton?—I think there were; I am not quite sure; but I remember the eight-cornered one particularly.

1092. Do you remember one peculiar one, that was produced by one of the city constables, after some difficulty, that was filled with lead in the top, with copper nails round it?—I do.

1093. And that was produced in Court?—It was.

1094. That was the one, I believe, as to which the Petty Sessions clerk stated that it would kill a Hogg—referring to your name?—He did make that observation.

1095. Was there any effort made by the city police, after the men made the rush, to disarm them of their sticks?—Not so long as the door was open.

1096. Now, tell exactly what the front men did when they came forward to where you were?—The front men pushed themselves forward, and I stood forward in the doorway to prevent their getting in, and I caught the doorway with my two hands so, and the front rank were pushed up against me to make me give way, and when they did not they commenced hitting me with these clubs.

1097. When all that was occurring did you see any of the city constables interfering to prevent them or to protect you?—I did not.

1098. Could they have done so without your knowledge?—They might, but it is very improbable.

1099. Now, I suppose this attack on you, and your effort to keep them out of the Hall, created some little outcry, that attracted the attention of the people inside?—Yes.

1100. And I believe the people inside came out to sustain you?—They did.

1101. And I believe some of them struck over your shoulder, from inside the Hall, at those who were striking at you outside—"hacking at you" was the expression used below?—Yes; they stood on the forms in the Hall, and struck over our shoulders at the men who were attacking me.

1102. And I believe they struck over your shoulders with the banisters of the stairs?—Yes.

1103. I believe when the attack was made the people inside armed themselves on the moment with the banisters of the stairs, which they dragged from the balustrade?—They did.

1104. Just go on to describe the continuation of what happened when they were striking at you and you were trying to keep them out with the door closed?—When they were striking at me I tried to get the door closed, so as to prevent any further proceedings. I found myself unable to do so unless I let one of them in, which I did, immediately closing the door after him, and thus preventing any further contact there.

1105. And you put the bar across the door inside?—I fastened it—I forgot by what means.

1106. And I believe that was the man that subsequently made his escape through the Round Room?—It was.

1107. I believe the men in the hall were for giving him rough usage?—They were.

1108. If he had not been protected by one of Mr. Dowse's party?—By Mr. White, of the Westside.

1109. That is the brother of Dr. White, the magistrate, one of Mr. Dowse's party?—Yes.

1110. I ask you whether you have been accustomed

to observe any displays from time to time in Derry in which any of the persons—do not tell their names—when you observed in that attack took part? Do you know the displays which take place on the 12th of August?—I do.

1111. Did you see any of those gentlemen who took part in the attack on the Hall in those displays afterwards or before—do not tell their names?—I have seen some of them since.

1112. After they were repulsed, in the way you speak of, where did you go to?—Shortly after I went up to the Round Room.

1113. As long as you remained in the door there were no means of your seeing out?—Not so long as I was in the Hall.

1114. What time elapsed from your leaving the Hall till you went up to the Round Room?—Perhaps five to ten minutes.

1115. When you went up you had a view of what was taking place outside?—I had.

1116. Just tell the Commissioners what was taking place outside, as far as you observed it?—I saw people fighting, and I saw some Constabulary men—two, I think—taking hold of one and arresting him, and, immediately upon my seeing that, there was a stone flung through the window which nearly struck Mr. O'Neill, the magistrate, who was standing there.

1117. And then, I suppose, at the time you speak of—about five or ten minutes after the repulse—the attack on the Hall by stone-throwing had begun?—It had.

1118. Did many stones come into the Round Room?—I went out of the Round Room as soon as the stones came in, for I did not want to get any of them.

1119. Did you observe in the yards outside any of those, as far as you could see, who had been in the attacking party?—No, I could not say that, indeed.

1120. You could not say one way or the other?—I could not.

1121. And you could not say whether you saw any of these instruments?—I could not.

1122. Did you see anything of what took place in the Diamond—any further turbulence? Say anything you know about it?—No; I did not see anything further.

1123. You went down again to the door, I believe?—I went down again to the door, and stayed there for some time.

1124. And you were not a little afraid?—I was.

1125. When you were out were you in any way attacked by anybody?—No.

1126. How long did the breaking of the windows continue that night?—As I was in the hall of the Corporation Room I could not say. I did not hear them. The men wanted to get out.

1127. How long did the commotion continue that night, as far as you know?—The commotion continued till the soldiers came—at least it continued in the Hall till the soldiers came.

1128. When you say "continued in the Hall" you speak of the stone-throwing being continued and the people being alarmed?—I speak of the men in the Hall. As far as the Hall was concerned commotion existed. When the soldiers came, the men felt quite muzzled, and felt that there would be no disturbance.

1129. Then you speak of the forty or fifty men there, and also of the audience being alarmed till the soldiers came?—I do.

1130. Then I suppose you think that there was reasonable ground for the alarm?—Yes, there was reasonable ground.

1131. Do you know whether, when those persons who attacked the Hall were driven off, they again formed in a body in any part of the Diamond and attacked the windows?—I know for a fact that the windows were broken, but I cannot of my own knowledge say that it was the same party.

1132. Now, what time did the military come?—I forget the hour.

1133. As near as you can recollect, was it before the meeting was over?—It was before the meeting was over.

FOURTH DAY
—
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—
Mr. David
Hogg.

FOURTH DAY
—
Answer II.
—
Mr. David
Hogg.

1154. Where did the military go to?—They took possession of the four streets entering upon the Diamond.

1155. That is, Shipquay-street, Butcher-street, Bishop-street, and Ferryquay street?—Yes.

1156. And then I suppose they cleared the Diamond?—Yes.

1157. Now, that is all, I suppose, that you know about it?—That is all I know about it.

1158. Then I believe you appeared before the magistrates and gave evidence?—I did.

1159. I believe a summons was issued against you also?—Yes.

1160. And that summons was dismissed, I believe?—It was dismissed by the magistrates.

1161. And certain other persons were sent for trial, I believe?—They were sent for trial to the Assizes for riot.

1162. Do you know that there were certain other displays on the twelfth day of the next month—the 12th of August?—I know that there are certain displays on that day.

1163. Did you see them on that day?—I did not.

1164. I believe public feeling was a good deal excited by the attack on the Hall and the remaining prosecutions?—Yes; I think it was.

1165. I believe we may say, inasmuch as there were long adjournments of the magisterial proceedings, that public feeling continued to be excited from the 26th of July up to the 12th of August?—I forget exactly when the informations were perfected, and I cannot say whether the informations were perfected on the 12th of August or not.

1166. Do you know, from the ordinary sources of information, whether local turbulence had not increased about that time?—I do not know of my own knowledge, because I purposely kept out of town, lest anyone might assault me.

1167. Previous to that had you ever purposely kept out of town lest anyone might assault you?—No.

1168. You thought that would be a necessary precaution?—I thought it would be a safe precaution at any rate.

1169. With reference to your last answer, I may ask you whether or not the condition of the town on the night of the attack on the Corporation Hall was not inconsistent with public security—people going about the streets, or anything of that sort—that in fact they could not do it?—It was utterly inconsistent with public security.

1170. You know that these displays of the 12th of August are regarded—rightly or wrongly it is not our business here to inquire—so offensive to a large portion of the population, the Catholics?—It is offensive.

1171. Do you think it would have been judicious or otherwise on the part of the local authorities to have prevented, so soon after this unfortunate affair, and the magisterial inquiry resulting from it, the display of the 12th of August?—Well, I do not know that I am able to give that opinion, being so recent an importation into this country.

1172. Do you know, as one intimately connected with a firm that are large employers of labour, that, rightly or wrongly, these displays are regarded by a large portion of the population as offensive?—I do know it.

1173. And I suppose, of course, your observation applies to the processions of the 12th of July, 12th of August, and 18th of December?—It does.

1174. Only one party take part in them?—Only one party.

1175. Have you ever, since you came here, seen any procession on the 17th of March?—No.

1176. Do you remember the night of the 26th of November, 1868—the night of the victory of Alderman Miller over Mr. Biggar?—I do.

1177. Were there some rejoicings on that night?—I believe there were, but I do not know of my own knowledge; I always keep out of town when there is any commotion in it, since that night.

1178. I suppose you will go down to-night to Moville, by the steamer at five o'clock?—No.

1179. I believe you took a very prominent part all through the election of Mr. Downe, and worked like a black for him?—I took a prominent part in supporting Mr. Downe at the late election.

1180. I suppose it was in the evenings that your predominate duty to be vigorous?—Yes.

1181. I suppose you recollect the 1st of December was the occasion on which Dr. Robinson was elected by the Corporation?—I do.

1182. Do you know whether or not there were any rejoicings in the (bar-baric) way that night?—I believe there were.

1183. And I believe there is no doubt that they were inside the gates?—I believe they were.

1184. On the 18th of December, 1868, there would be the recurrence of one of those anniversaries, celebrated in a way that a large portion of the population choose to consider offensive?—Yes.

1185. Do you know whether any attempt was made to repress that proceeding of the 18th of December?—I do not remember hearing it.

1186. Now, on the 1st of January, on the occasion of the inauguration of the mayor?—I was not in town; I was in Scotland then.

1187. Then on the 9th of February, that is the day of the judgment given in the election petition matter—do you know that there was a sort of rejoicing that night—a procession of Mr. Downe's supporters and sympathisers?—Yes, I saw them.

1188. Now, when had you seen them first?—I saw them first at the door of my brother's house.

1189. Your brother lives on the Strand road?—He does.

1190. Where Chaverton-street gives on the Strand road?—Yes.

1191. Were you in Court yesterday when Mr. Hampton was examined as to when he first saw the procession?—I was in Court.

1192. About what was the number, as far as you can go?—It was dark, and I could not estimate the number of them.

1193. It was a large crowd?—There was a considerable crowd.

1194. And they had music?—They were not playing when they passed me.

1195. Did you see them more than once that night?—I did; I saw them afterwards at the corner of Foyle-street.

1196. I believe that was the corner of Foyle-street outside the gates?—It was.

1197. You never saw them that night inside the gates?—No; I was not inside myself.

1198. You know nothing of the prevention of their going in through Bishop's Gate?—No; nothing of my own knowledge.

1199. They had torches, had not they?—They had.

1200. Have not you, within the last year or two, seen any procession prior to this with music at all, or heard or known of it on a matter of fact?—I do not remember any. There may have been, but I do not remember seeing any.

1201. On the 17th of March last there was no procession of the other party, as they are called?—I heard of none.

1202. Now what condition was local feeling in, as regards political and sectarian sentiment, from the month of November up to the end of the election petition—was it more excited than usual?—It was.

1203. Was it more excited at the time of the election petition than at the time of the election out of which the petition arose?—I believe it was.

1204. Consequently the judiciousness of repressing those displays, that were only taken part in by one side of the population, would appear to increase as the excitement increased?—Certainly.

1205. You remember, I suppose, the unfortunate occasion (as regards the result) when these men lost their lives?—I do.

1186. You remember it was on the occasion of Prince Arthur's visit?—It was.

1187. Were you out at all that day, so as to see what was going on?—I was out during the day and in the evening.

1188. Were you present when His Royal Highness was received at the railway station?—No, I was in Bishop-street when he was received in the Corporation Hall.

1189. May I trouble you, Mr. Hagg, to stand up for a moment?—(Witness stands up.)

1190. When you are in a crowd you have the advantage of being able to see over the head of almost anyone in it?—A good many of them.

1191. When you were in the crowd at Bishop-street, enjoying your usual advantage, you saw pretty well round you?—Yes.

1192. What time in the day was that?—I think it was from two to three.

1193. Was that about the time when His Royal Highness went down to the Corporation Hall to receive the address of the municipality?—Yes.

1194. Now would you just, if you please, tell the Commissioners, as clearly and briefly as you can, what sort of procession that was—what bands you saw, if more than one, and what persons you saw?—There were two or three carriages containing the Prince and his suite, and others with members of the corporation; that might have met him at the railway station; and afterwards came the Hibernia Band with a flag.

1195. Would you give your own idea of what the flag was—a description of it as regards colour and pattern?—I think it was a white ground with a harp in the centre without the crown above it, and if I remember rightly, I think there were shamrocks on it.

1196. It was a fife and drum band, I believe?—It was.

1197. What were they playing?—I do not know.

1198. I believe they were playing no party tunes at all?—I do not know any party tune.

1199. I believe the band were of the Downside?—I believe what is generally termed the Downside.

1200. And I believe the Britannia Fife Band, which has a rival establishment over the way, is supposed to be the Apprentice Boys' Band?—Supposed to be the Apprentice Boys' Band.

1201. And I believe they are dressed in blue uniforms, with a very powerful development about the breast, and yellow trousers?—Yes, and yellow trousers.

1202. Was that the band that, on returning from Osnagh two or three days ago, played, as they marched up by Mr. Houghton's, as he said here yesterday, the tune of "No Surrender"? Do you know that of your own knowledge?—No.

1203. Did you see that band that I have been endeavouring to describe that day?—Which band?

1204. The Britannia Band, in the blue and gold uniform?—No, I did not.

1205. You talked of carriages; did you see any gun-carriages that day?—I did.

1206. Where?—Coming down Bishop-street.

1207. Was that at the time His Royal Highness was going to the Corporation Hall?—I think it was some little time after. I think it was during the time he was in the hall.

1208. Of course there were people with the guns and all that—and the Apprentices, I suppose?—The Apprentice Boys they are supposed to be.

1209. Did you observe whether there were any flags or masts, or anything of that sort?—I do not recollect it just now.

1210. Might I ask you what number there were of those, as regards men and guns?—I could not say; I did not count them.

1211. Did you observe where they went to?—No; I do not remember where they went to.

1212. Do you know that place at the corner of Society-street and, I think, Meeting House-row, going down to the Rev. Mr. McClure's, the Meeting House

—do you know the Meeting House where the windows were broken?—Yes.

1213. Do you know the building that used to be employed as a coach factory there?—Yes.

1214. Can you say from your own local knowledge how that was used at that time?—The day before the election I know that there were cannon in it. I saw two.

1215. What style of cannon were they?—They were about twelve-pounders, I suppose.

1216. Were they modern guns or old guns?—I did not pay much particular attention.

1217. In what direction were the muzzles of those guns pointing?—were they loaded or not?—I do not think they were loaded. They were lying there. I think they had been cleaning them, or something of that kind.

1218. When was that?—That was one or two days before the election.

1219. You do not know whether the cleaning was completed before the election?—I do not know.

1220. Was that the lodge-room or the gun-room of the Apprentice Boys?—It is believed to be.

1221. And they had then transferred, I believe, from the back-room—the room in London-street, from which they came on the night of the attack on the Hall—down to the coach factory?—I believe so.

1222. Suppose that a gun were brought out of the coach factory and planted with the muzzle pointed to Bishop-street, it would clear away everything, if properly levelled, where Bishop-street crosses Society-street and London-street—would not it?—It would. I say it would if it was fired with the proper shot.

1223. Now Butcher's Gate is the particular gate that enables the residents of the Baginbun most readily to communicate with the interior of the city?—It is.

1224. And Butcher's Gate was the place at which, on the night of the royal riot, the great engagement took place as regards the stones thrown from the top of the gate?—I believe it was.

1225. The roadway passes over the top of the gate?—Yes.

1226. I believe the wall, from where an extension of the line of Society-street would cut the wall, past the Chapel-of-Ease burying-ground down to Butcher's Gate—I believe the interval of wall between these two points is pretty much a straight line?—It is.

1227. I believe Meeting House-row, the street which runs from the corner of Society-street to Butcher's Gate, runs perfectly parallel with the straight wall?—It does.

1228. Consequently Meeting House-row is also a straight street?—Yes.

1229. And I believe it is level, as nearly as may be?—Pretty level.

1230. Have you observed the water accumulating in large puddles upon the wall nearly opposite the Meeting House, from time to time have you observed any accumulation of water there where it could not conveniently run off the wall?—I do not remember having seen it.

1231. You saw no turbulence or anything of that kind on the occasion you have been speaking of—when you first saw the Prince?—I saw none.

1232. I suppose there was some cheering?—Oh, there was some cheering, but I thought it was not as good as it should be. There was some cheering, but I thought it was very odd for the Prince—a very odd reception of the Prince.

1233. Mr. Commissioner KIRHAM.—Was that by the party?—By the party.

1234. Mr. McCullagh.—Prior to this had there been any firing of the lodge guns?—I do not remember.

1235. Were the Hibernia Fife Band performing at the time you say that the reception of the Prince was rather odd?—I think they were performing coming down Bishop-street.

1236. So that everybody in Bishop-street—a large number there would have an opportunity of seeing

FRANCIS DAV.
August 23.
—
Mr. David
Hagg

WALTER DILL. — Now did you remain till His Royal Highness came out of the Hall?—I did.

1237. I believe now, so do the town justices, from the railway station up to that the people were enthusiastic in their reception of the Prince!—They might be according to your idea, but not according to our ideas in Scotland.

1238. But you saw, during that time, no turbulence of any sort?—No.

1239. Were you in the court to-day when Mr. Bond was examined and cross-examined—when Mr. Bond was in the box and Mr. Bea was in active service?—I was.

1240. Were you here when Mr. Bond was in the box and when I was standing up?—I think not.

1241. Did you hear any remark as to the probable danger of the peace that day, or anything of that sort?—No.

1242. Not at that time?—No.

1243. Then you were not near Mr. Bond when he said he told his wife that he feared there would be bad work that night?—No.

1244. How long did you remain in the street that evening?—I went away down to the factory again, after I saw the Prince arrive.

1245. What time did you return from the factory again?—Immediately after he left the Corporation Hall.

1246. Now, you went down to the factory after the Prince arrived, and you left there again about four o'clock?—I think about five o'clock.

1247. Were you out again that night?—I was.

1248. What time?—I went home between nine and ten.

1249. And about what time did you come out again that night?—I forget exactly what time, I left after ten.

1250. You would be about seven, and then you came out to see the fire?—Yes.

1251. From the time you left to go home, or before it, you heard the firing of guns?—Yes.

1252. Do you remember being up in Bishop-street at eight o'clock that night?—I was not in Bishop-street that night at all.

1253. Where did you go to, after you left your own house, that night about seven o'clock?—I was at a friend's house and remained a short time there, and shortly after nine o'clock I left to go home.

1254. You live on the Strand?—Not at present, my brother's house is shut up, he is from home at present. I left to go home shortly after nine o'clock, and on my way home up Ship-street I met a gentleman, who told me there was rioting in the Diamond. I avoided the Diamond and went home another way and saw nothing of it.

1255. Did you hear that night that the men had been shot?—No; I did not hear it till morning.

1256. I believe there was, naturally enough, a great deal of popular commotion about it?—There was.

1257. I believe that popular commotion was repeated some time afterwards, when the inquiries were going on?—It was.

1258. You remember the time the poor man Murphy died?—I do.

1259. You remember there were two inquests—one took place, or rather was opened, and another was postponed?—Yes.

1260. And, I believe, for the purpose of the second inquest, it was necessary to take up the body?—I believe so.

1261. Do you know anything about the state of local feeling about that time, was it excited or otherwise?—When the intention of taking up the dead body became public, I believe there was a good deal of excitement.

1262. I believe, in point of fact, no attempt of force could have succeeded in taking up the body?—I could not say that.

1263. At all events the circumstance still further inflamed public feeling?—It did.

1264. Do you know about what time the poor man died?—About two months ago.

1265. That would be in the month of June, I believe?—He lay dead for about six weeks I think.

1266. He lay dead for some time you say, and this excitement was after his death?—Yes.

1267. I want to know whether you can charge your memory with saying whether there were processions on the 12th of July last; if you don't yourself know don't say?—I don't know.

1268. There was one at all events on the 12th of August, the present month?—There was.

1269. Upon last Thursday week, do you think, having regard to the excited state of feeling pending what took place in the Town Hall, increased by these other matters, unadvised and otherwise, we speak of—the proceedings of September and December, the election petition, and by this matter of 28th of April, and this matter of having the body of Murphy exhumed—do you think, having regard to these circumstances, that it would have been more judicious to prevent any procession in August, 1861?—Well, I give the same reply to that that I gave to a former question.

1270. I believe no effort was made to prevent them at all?—No, not to my knowledge.

1271. The 12th of August was the last procession that was held?—It was.

1272. Do you remember any procession having taken place in the interval between the death of Murphy and the procession of August, 1861?—There was a procession to what is called the Town Park.

1273. I believe the Town Park, with reference to what happened that day, is appropriately situated, is in the immediate neighbourhood of the Lanark Asylum?—Yes.

Mr. Commissioner KEHAN.—What day was that?—Mr. McLaughlin.—The 9th of June, the same night of the attack by Mulcock on Mr. Huxton.

1274. Do you remember seeing any procession on that day—the 9th of June?—I do; a procession passed our place of business.

1275. A procession passed your place of business?—Yes, and it came down to Chancery-street, across Queen-street, and from that up the Asylum-road.

1276. Mr. Commissioner KEHAN.—What time of the day was it?—I think about mid-day.

1277. Mr. McLaughlin.—Did you observe the number that took part in that procession?—I could not estimate them.

1278. Did you ever see so large a procession in Derry?—Never.

1279. Was not a great number of them from the country, so far as you could observe?—A large number.

1280. Now, from what you saw there were 500?—Oh, yes, more.

1281. Did you ever hear the number estimated at 1,000?—There were at least a couple of thousand in the procession.

1282. And the procession was marching in proper processional order—in military order—keeping the step?—The greater number were; some of them were going along the street and the footpaths, and I saw a large number going before the procession and after it.

1283. Did you see any flags or hear any music that day?—I could not say.

1284. You were not here yesterday when some one said that some person carried a flag?—No.

1285. I believe there is no doubt that all these people were of the same persuasion?—Yes.

1286. And that was on the occasion of a public meeting, to protest against the Church Bill?—It was.

1287. Did you see persons coming back again?—No.

1288. Did you observe whether or not any person was acting as superintendent or marshalling, so to speak, that procession?—I did not.

1289. You don't know, of your own knowledge, whether or not the procession was under the direction of the Pretence Royal?—I do not know of my own knowledge.

1290. Did you hear any gun that day?—I did not.

1281. I suppose you would not be astonished, although you don't know it of your own knowledge, to hear that there was a great number of flags in that procession?—I would not.

1282. Mr. Commissioner MURPHY.—He said he did not see them?—They may have been there, and I may not have seen them.

1283. Mr. McLaughlin.—Do you know was any effort made to prevent that procession—did you ever hear there was?—I never heard of any. There was an effort made to prevent it when it passed before me.

1284. Mr. Commissioner MURPHY.—You heard no music there, and saw no guns or flags?—These things I can't remember. I can't charge my memory with it.

1285. Mr. Commissioner ELLIOT.—I suppose if there were guns there they would have attracted your attention?—They would have attracted my attention.

1286. Mr. McLaughlin.—I believe, in point of fact, that the procession, whatever it was, left about the time that there was a great deal of commotion about the deaths of Monciffe and the other man Craig?—It did.

1287. Did you ever see in any of the papers an estimate of the numbers who took part in that procession?—I remember at the time there were estimates in the papers of how many took part in it.

1288. Yes?—Ranging from 10,000 to 4,000.

Mr. ELLIOT.—In consequence of the ruling of the Commissioners, I think it expedient to state that I will not again interfere at this Commission unless I get further instructions from my clients, and I have advised them to take such remedies, civil or criminal, as may be open to them for any injury they receive.

1289. Mr. Commissioner ELLIOT.—Mr. Hogg, may I ask you who has the privilege of giving the Town Hall for meetings here?—When it is wanted by any person an application is made at the Town Clerk's office, and a lodgment is made of a sum of money sufficient to form a guarantee for any breakage that may occur at the meeting.

1290. And is it the Mayor then gives the use of the Hall, or is it the Town Clerk by vote of the Council?—I think it is the Mayor. I took it once myself, and I remember I went to the Town Clerk, and, after lodging the necessary amount as a guarantee, and giving the requisite notice of the particular night I wanted it, I got it.

1291. You stated that, when one of these gentlemen went to Sir Edward Reid, and stated that it would be necessary to take some precautions, he stated the nature of the precautions he intended to take, and they appeared to be sufficient at the moment?—Yes.

1292. Was it after that interview it was arranged that men should be got into the Hall, and enter by two and three?—I was not cognizant of those men being there till I saw them when I came about six o'clock.

1293. And you do not know how they came?—No.

1294. Do you know how any of those men sticks?—None of them; but they got two sticks when those men came to the door to attack it.

1295. You said that the Mayor stated he would take precautions. Did you see Sir Edward Reid that evening?—I did.

1296. Was he at the Hall?—He was going in and out, looking after the preservation of the peace, and was not there as an auditor.

1297. Did you see him about the place before this rush was made at the door?—I did.

1298. And he appeared as if he was in charge?—He seemed to be anxious to assist in the preservation of the peace.

1299. Did you observe any other magistrates with Sir Edward Reid?—I did not observe any magistrate speaking to him.

1300. Did you observe any other magistrates but Sir Edward Reid?—I did. I observed one of the magistrates speaking to him.

1301. Did you observe any outside the place at first

except Sir Edward Reid?—Not seemingly acting as magistrates.

1302. Did you observe them there at all?—I saw several of the magistrates going into the meeting.

1303. Now, may I ask you who were the magistrates you saw going into the meeting?—I saw Mr. O'Neill, Mr. Tully, Mr. Egger, Mr. Foster, and that is all I can remember.

1304. They were all in the room while this work was going on?—They were.

1305. Did you observe any of these magistrates leave the room, or go out to look after the preservation of the peace?—I did not.

1306. Not one of them. Tell me—you were asked about this procession on the night that Sergeant Dwyer was declared duly elected—did you observe the torches with that procession?—I did.

1307. Could you give me an estimate of the numbers in that procession?—I could not, it was after dark.

1308. Was it large?—Yes.

1309. Had they a band of music, or had they flags, though probably you could not recognise them in the dark?—No; I did not see them.

1310. I suppose you thought it would be judicious to prevent that procession as well as the others?—Certainly.

1311. And, I presume, knowing that the opposing party were inside the walls, you would have thought it a judicious proceeding that that party should not be allowed to come inside the walls, so as to prevent all opportunity of conflict?—I thought it judicious to keep the two parties separate.

1312. That is, if one were inside to keep the other outside?—That was the safest way of doing it.

1313. May I ask, on the day you say you saw the Prince going down to the Town Hall, to receive the address, and this band attending him, about how many persons were there with that band?—There were several people running alongside the Prince's carriage and following him, and I could not tell who belonged to the band and who did not.

1314. But did you see any party following the band, as if a party?—No, I don't remember.

1315. You observed the flag—were there many people about that flag?—There were members of the band and some few more.

1316. There was a great crowd, I suppose?—There was a great crowd round the Prince's brougham.

1317. May I ask in your opinion was it a judicious thing, or a proceeding calculated to promote the public peace, to allow any person to carry after our Sovereign's son a flag without a crown, having a harp in the middle surmounted by shamrocks?—I do not think it was judicious.

1318. Now how long did you see that flag remain in the public street?—I did not see it interfered with.

1319. And how long was it there, not interfered with, in the public view?—About a quarter of an hour, or so.

1320. Did you observe any magistrate in the street when that flag was in it, and if so give me their names?—I did not see any magistrate in the street.

1321. Was there any magistrate in attendance on the Prince when he was going down to the Town Hall, and if so, tell me the names of those, if any, in attendance, when that flag remained in the street for a quarter of an hour uninterfered with?—Well, I don't know. The Mayor was in his carriage attending the Prince.

1322. Well, who else?—They were strangers to me.

1323. You did not observe any of the magistrates of this city, or any of the authorities—the police authorities—did you observe any of these?—I think I saw Mr. Stedden at the Hall.

1324. While that flag was there?—I think I did.

1325. While the Prince was in the Hall did the band remain outside?—No, I think it walked away.

1326. And did the flag remain there?—No, I think it went away with the band.

1327. Mr. Commissioner MURPHY.—The night of the attack on the Hall, you say the city police were

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three or four on either side of the door. Could they have prevented the crowd breaking in and coming to the door with armed weapons, such as that produced in court to-day?—They could I believe.

1338. Six men?—Yes.

1339. How were they armed themselves?—They had batons, I presume.

1340. The city police?—The city police. I think I see batons with them.

1341. Did you see any batons in their hands that night?—No.

1342. Any sticks in their hands?—They generally carry walking sticks.

1343. When the crowd rushed at the door, did they stand in the same place they were in before?—They did; they stood in the same place.

1344. And you did not see anyone pass at all between the door and the crowd?—No.

1345. How far away, at the time the crowd reached the door, were the county constabulary standing from it?—I suppose from fifteen to twenty yards up the street.

1346. How many of the constabulary were there?—They were not standing together, and I could not say. There were not many of them. There were about, perhaps, the same number as city police.

1347. Did you say you saw some of the county constabulary arrest some person afterwards?—I saw them arresting one man, and I saw Inspector Stafford arresting them.

1348. Mr. McLaughlin.—You spoke of the time you saw this flag as being in the middle of the day?—It was in the afternoon.

1349. You are not speaking now of having seen it at night when the disturbances took place?—No, I did not see it at night at all.

1350. Did you hear the band connected with that flag had played "God save the Queen" before the Imperial Hotel in the evening?—I had.

1351. And that the Prince came out to them they were playing?—I think I heard that too.

John O'Neill,
esq., &c.

John O'Neill, esq., &c., examined by Mr. McLaughlin.

1352. You are a resident in this city?—I am.

1353. And have lived in the city for very many years?—Yes.

1354. You are a merchant, I believe, one of the firm of John O'Neill and Co., and in religion you are a Catholic?—Yes.

1355. Now, do you remember this night of the attack on the Hall, when Sergeant Dwyer was about to be killed?—I do.

1356. And you are the Mr. O'Neill, &c., referred to by preceding witnesses?—I am John O'Neill, and I hold the commission of Her Majesty's peace.

1357. For this city?—Yes.

1358. Do you remember the attack on that night—on the night of the 20th of July—and were you in the Round Room when Sergeant Dwyer was addressing his friends in the Corporation Hall?—Yes, I was.

1359. Did you see those who marched down the street to make the attack on the Hall, did you see them make it?—The probability is that if I tell what occurred it may be as well, and then any question it may be necessary to ask I will answer with great pleasure.

1360. Well, go on then, and tell it yourself?—Well, I was one of those who went to the meeting to hear Sergeant Dwyer. After the meeting had been opened—I suppose from five to ten minutes—minutes once through the window. Being there, and asking I believe Mr. Bond if he was hurt—he was very near it—I immediately ran out, down the stairs, and as I was going down a man shouted out to me—"Mr. O'Neill, the crowd are smashing the windows of the Round Room." I went up to the Round Room, and went forward as quickly as possible to the window, and when I went to the window I was struck myself with a stone. I saw Mr. Stafford amongst the crowd, and seeing the violence of the crowd, it struck me immediately that there was more force required than what was there. In consequence of seeing Mr. Stafford struck, when going to arrest a prisoner, and observing that there was some difficulty in it, I put my head out of the window at considerable risk, and saw Sergeant Lockhart underneath. I said—"Lockhart, I think you have not sufficient force here to preserve the peace." "I agree with you, sir," said he.

1361. He was of the city police?—He was. It strikes me I said to him, that we should have soldiers here. "I think so too." "How many?"—"A hundred at least." I then went to the clerk's table, and got a slip of paper out, and wrote an order over to the commanding officer to send immediately 100 men. Thus I think requires a little explanation; and

that is before I went up to the meeting I asked Mr. Forest Reid, the brother of Sir Edward Reid, was his brother in town. He said "No; he has gone to the country." Then, believing that the Mayor was not there, Sergeant Lockhart by my directions took the order over to the barracks, and in about half an hour after I think he returned. After he left I went down, and was walking about when the Mayor came forward to me. The Mayor and I were talking when Lockhart came back and said the commanding officer would not need the men without a magistrate. "Very well," said I, "I will go immediately." I was then about leaving when Sir Edward said—"In the meantime, if anything happens, I have not a Riot Act—have you one?" "I have," and I gave it to him. I then left to go to the barracks, but on the way I found the commanding officer had been kind enough to get the men ready and dispatch them to near the bridge, to await the arrival of a magistrate. I met them there, and he gave the men to me in charge. I came with the men to the Diamond, and I am very happy to say after I came there nothing happened.

1362. Mr. McLaughlin.—Did you think it absolutely necessary to have the soldiers?—I did.

1363. I believe the condition of the town when you saw it was utterly incompatible with the idea of the preservation of the peace, so far as you can judge?—I considered it of the greatest necessity to have the military present, for the crowd that was opposite the corner window, when I went out, could not be less than twenty or thirty, with things (trucks) up in this manner (noised).

1364. Subsequently, were you one of the magistrates on the bench when these matters were inquired into?—Oh, yes, I was.

1365. Do you remember Mr. Crawford making an effort to compel you and other magistrates who were in the room to leave the bench before the men arising out of the attack on the Hall had been gone out?—He made that application.

1366. And it was desperately fought, I believe—wasn't it?—I do not know what you call desperately fought.

1367. Now, supposing that you and Mr. Tully, Mr. Higgin, and Mr. Foster had retired, I believe the result would be that the bench of magistrates would be all composed of the same political party?—I believe that segment was put forward by several who appeared there with myself.

1368. Wasn't it urged that the result would be, that the bench of magistrates then to decide on the case would be, judging from the published list of the Conservative Committee, reduced to a sub-committee

of Lord Claude Hamilton's—do you remember that being urged?—I do.

1369. Do you remember it being urged that Mr James Murray, who was chairman of that committee, was one of those magistrates, and that four other names of those magistrates present were also referred to as being on the list?—That is quite correct.

1370. I believe the same application was resumed on the second day of the inquiry?—I think it was. I think Mr Crawford applied again.

1371. I want to ask you now—of course you have been in court since the Court sat to-day?—I was here about half-past twelve o'clock.

1372. Were you here when a discussion took place as to your having been blamed in the papers for calling out the military?—No; I only came in during Mr Hogg's examination. I was not here at the commencement of it.

1373. I believe, in point of fact, you were blamed by some of the newspapers for calling out the military?—I don't know what you all blame; I did not mind it.

1374. They were not pleased with you for having done it, at all events?—That might be, but I do not mind it.

1375. I suppose this occurrence at the Hall excited public feeling a good deal?—No doubt.

1376. And the subsequent magisterial proceedings. The 12th of August following there was the ordinary 'Penny Boy' procession?—The penny August!

1377. No; last August—the usual procession?—Oh, really, I never gave these processions any consideration.

1378. I want to know whether or not you approve of these processions, as a magistrate, with reference to their effect on the peaceable community, a large portion of which objects to them. Do you think they tend to the preservation of the public peace or to disturb it—these processions of the 12th of August or the 18th of December?—My opinion certainly is that they disturb it. It is the only thing we have to contend against, and a very serious thing it is to have to contend against. I don't say there is any harm intended by them, but I say it, in my conscience, it is best to discontinue them for all Her Majesty's subjects.

1379. I believe you are one of those who some years ago signed a declaration that these displays were regarded by the Roman Catholics as offensive?—Oh, I have no hesitation in repeating that again. I do not give that as my own opinion. I give it to you as public opinion.

1380. Now, I suppose that you are the only Catholic magistrate holding the commission of the peace for the city—Dr White is for the county?—I think so.

1381. And you are well acquainted with the feelings, political and otherwise, of your co-religionists? Now I ask you whether, knowing as you do their feelings and all that, you can tell whether or not there exists a universal dislike to these processions, and an objection to them among the Catholics?—Well, I have been obliged to use my little influence I had to prevent opposition being given to them.

1382. Do you mean physical opposition?—Physical opposition.

1383. You are a man of marked position among the Catholics?—I can't say that.

1384. Well, I say it. And it was in that capacity you had to exercise all the influence you had to restrain your co-religionists?—What little influence I had, and my little influence I had with the Catholic clergy, I used, and I am glad to say they always aided me by advising and impressing on their people forbearance and good-will.

1385. The Catholic clergymen have always done that?—They have.

1386. And I believe, in point of fact, from time to time, it has been absolutely necessary to do it?—I have been brought more in contact with the people since I was appointed to the commission of the peace.

1387. Precisely, and that is the time I apply myself to. Would it be true for anyone to say here, as it has been repeatedly stated, that these displays are not regarded by the Catholics as offensive?—would it be true?—yes or no—the Catholics, as a body?—The Catholics, as a body, regard them as offensive.

1388. And I believe, as witnessed by the opinion of Mr. Basil, a great number of the leading citizens of other parishes are in favour of their discontinuance, as being detrimental to the peace and well-being of the city?—I should not like to give the opinion of any others about that.

1389. What do you believe?—you are not asked to go further than your belief, as a man who knows the town and leading people of it.

1390. Mr. Commissioner MURPHY.—Nothing can be stronger than Mr O'Neill's opinion that they tend to disturb the peace, and that they ought to be discontinued.

1391. Mr. McLaughlin.—I will ask you whether or not, within the last twelve months or so, this feeling of dissatisfaction at the displays has been increasing or the reverse?—Oh, on the increase.

1392. Would you go so far as to say—of course it will be for you to answer me whether I am right or not—seriously on the increase?—Well, I would not like to give an opinion on that.

1393. Do you know or not know that it required very strenuous efforts on the 12th day of the present month to prevent opposition being offered to the Trenton Boys?—No doubt of it.

1394. Do you say "no doubt" of your having heard it, or of the actual fact?—You may compel them.

1395. Then you speak from your own personal knowledge?—I do.

1396. I believe, in point of fact, a large body, numbering some hundreds, had to be restrained from interfering to put down that display on the 12th of August last—do you know anything about that?—Well, I had some little difficulty in guarding Butcher's Gate, I must admit. I was asked by several to go away. I was detoured on a detour in the way. But I did not go. I was there from ten o'clock till half-past twelve o'clock at night.

1397. Now, do you know Mr. Andrew McCafferty?—I do.

1398. He is a man, I suppose, that knows the feeling of the Catholic party well?—I think he does.

1399. He was pretty much mixed up in the last election?—I think as much as anyone in Derry.

1400. Do you know a man named Edward Lynch?—I do—a very respectable man.

1401. I suppose he is, and I suppose you describe Mr. McCafferty in the same way. He knows the feeling of the Catholic inhabitants of the city pretty well?—I should say as well as I do.

1402. As regards the lower classes would he not know the feeling as well, if not better, than you do?—I think he does.

1403. Mr. Commissioner EXHAM.—I want to ask you a few questions with regard to the magistrates. You say that lately you were yourself applied to, when on duty as a magistrate at Butcher's Gate, to leave the place?—Yes.

1404. For what purpose were you applied to to leave the place?—Well, there was no purpose mentioned; but my feeling on it was that they wished me to go away; that if I was not there they would not be kept back from coming inside the walls.

1405. From coming in?—Yes.

1406. Was the application then made to you on the part of some one from the Bog side people that they should be allowed inside the walls?—Oh, decidedly, and I may as well say that I never saw the man of Derry so silly as they were that day. They were not drunk, but sullen and determined, and once or twice seemed resolved to fight with me about getting in.

1407. Now, you know, generally speaking, the character of these opposing parties—the party inside and the party outside wanting to get in. Are they in the habit of working in common—working together

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FRANCIS BAY. with each other, at daily labour?—Indeed I think so.

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1408. They are!—I think so.

1409. And they live harmoniously together except on those occasions?—They do. I think there is not a better people in the world than the Derry people, and if it was not for a few freshwinds it would be as quiet as a mill-pond, and I am happy to say they are very few. As to crime in the city, there are many days we will not have even a case of drunkenness, and the drunkenness, as it is, is very light, in fact, it is not so much the quantity of drink that they take as the fact of its being bad, and it destroys them altogether.

1410. You spoke of the procession you were asked about on the 13th July and so on. Now, I suppose you mean that persons at the Beguile object to have these processions and music, and you think they are things that can be very well done away with?—Yes, I do. If they want to have music let them have it in their own houses as often as they like, but not on the streets.

1411. The evening of the attack on the Downe party, did you hear of any application being made to the authorities to take precautions with regard to the preservation of the peace?—No, the first I heard of it, was what Mr. Hogg said. There was no application made to me. I did not go to the meeting as a magistrate, but seeing the occurrences taking place while I was there, I considered it my duty to act as I did.

1412. Were you aware that any thing was said to the authorities about violence being apprehended?—No; but perhaps it is not out of place to mention that what caused a little surprise to me was the body of men I saw in the Hall. "Who are these men?"

1413. You asked?—No, I said to myself. And seeing these men there, and the windows broken, and the people on the platform struck with arrows, I thought that there was something that required to be looked after.

1414. And then it was, after seeing what occurred, you most properly thought it right to send for the military?—Yes.

1415. Quite right. Now, could you tell me the number of these you saw, when you went in?—Between 30 and 40.

1416. And what struck you was that they were not people likely to be admitted to a meeting of that kind?—They were able bodied men; but I saw neither weapons, nor anything else with them. They were sitting on a form just before we went up the Hall.

1417. You were under the impression that the Mayor was away?—I was.

1418. And you did not see him till you went out that time?—I did not.

1419. Tell now how far the Town Hall is from the city police barrack?—If they have a barrack?—The barrack, I think, was in the same place then as now.

1420. Is it far from the Hall?—Very little, something between 400 and 500 yards.

1421. I do not mean the constabulary barracks, but the local force?—It's at the goal.

1422. Is it there they are at present?—Yes.

1423. There is one matter that I think it is due to your position, to mention to you. We heard it stated yesterday, by a gentleman who gave evidence before us, that he looked upon the magistrates as being partial, and he stated that there was also a feeling existing among a large portion of the inhabitants, about the partiality of the magistrates. We asked him to give us an instance and then he mentioned two cases in which he had appeared before the magistrates as prosecutor. You were on the Bench, on both occasions, and I want to make some inquiry from you in reference to the matter. The first was a case of a man who was brought up by the night city police for standing by, and seeing, while another person threw stones and broke the window of his house. Mr. Hampton is the name of the gentleman whose windows were broken, and he stated that you were one of the magistrates, and that the Mayor, and also Mr. Reid represented the constable for arresting the man, and let him go. Do you recollect that occurrence?—I do.

1424. That the constable was censured for his conduct in arresting the man, and that he was let go. Mr. Hampton said that that censure was given by the Mayor and Sir Edward Field. I would like to hear if you recollect the occurrence, and if you do, tell shortly, according to your recollection, the entire of the case?—Well, I neither dissented from nor agreed with the decision, for I thought it was not, in my opinion, correct.

1425. It was not correct in your opinion?—No, in my opinion—I won't go further. The other magistrates may think they have just as good a right to say it was a correct decision as I have to say it was not.

1426. Living a great deal amongst the population of Derry, can you say there is a feeling that justice is not fairly administered by the magistrates of the city, whether rightly or wrongly?—Oh, I will not go into that. There is a feeling that the majority of the magistrates of Derry do not place any confidence in the oaths of the Catholic party, and consequently the feeling is that justice is sometimes not administered.

1427. That is the opinion—that the magistrates do not pay attention to the oaths of the Catholic party?—It is my own conviction from my own experience.

1428. That that feeling is abroad?—Yes.

1429. Do you recollect the fact of both the late Dr. Robinson and Sir Edward Field representing that constable?—I do very well.

1430. And did they?—I took the opportunity—probably it is not fair to mention it—of saying to the Mayor that he should not have so publicly reprimanded the man under him—that he should have taken some other occasion for doing that than in the open court.

1431. Well, now, about the second case. We were told of the case of a man charged with striking Mr. Hampton on the face with a stick, and he considered the magistrates acted partially in that case also. He stated that there was too slight a punishment given—a fine of 18s.—to the man who struck him. Do you recollect that?—I believe I recollect a case in which a charge was brought against the son of the keeper of the Town Hall, M'Connell.

1432. Exactly?—My impression is that there was not sufficient punishment inflicted in that case.

1433. That there was an insufficient punishment inflicted?—There was not enough, and I remonstrated, but did not make my remonstrance public.

1434. Then there was a conference among the magistrates as to the nature of the punishment to be inflicted?—There was.

1435. And you neither agreed nor dissented?—Quite right.

1436. That feeling you speak of, as existing amongst the Roman Catholic population of this city—do you think it applies merely to political cases, or that it is with regard to all cases—the general administration of justice by these magistrates—or do you think it is only confined to political cases, that feeling on their part?—Will you kindly repeat the question?

1437. You said that, according to your knowledge and belief, there is a feeling of dissatisfaction in the minds of the Roman Catholic people of this city as to the administration of justice by a number of the magistrates, on the ground that they do not pay attention to the oaths of the Roman Catholics. Does that feeling extend with regard to the political cases alone that come before them as magistrates, or does it extend to the general business of their jurisdiction?—You may couple them.

1438. Both?—Yes.

1439. Yesterday it was mentioned, with regard to partiality on the part of the magistrates, that when there was an attack made on the police at Bishopsgate, they kept the outside party from coming in. Now, I ask you was it wise and proper of the magistrates to prevent the outside party coming in, on that occasion?—My opinion is—and I have not hesitated to say so—that I think the constabulary were put in a false position.

1440. On that occasion?—On that occasion.

1441. In a false position?—In a false position.

1442. Well, do you think it was judicious of the magistrates—choosing did it—to prevent the party outside from coming in?—I think it was quite judicious.

1443. And would you have thought it right to allow the Bog-side party to come inside the gate, at the time that the other party was collected in force inside?—The others were not there. The others only wanted to come in, and then the gates were barricaded against them, and the police were put on the gate to keep them out. We had an investigation before the magistrates, and it was stated that wheelbarrows were put inside the gates. The police were put in a false position.

1444. Mr. Commissioner MURPHY.—Do you mean when saying they were put in a false position—that the impression was given to those composing the crowd that the police were put there to discharge a duty towards them that they would not be asked to discharge towards others?—Precisely.

1445. That if it was a different party that wanted to get in that night at the gate the police would not be put there to prevent them?—Quite correct.

1446. Did you think that there was a foundation for the existence of that belief—that they were excluding that party from coming but would not exclude the other?—A belief existed among the people who were excluded as much as to say, "We are dealt with in a way the others would not be dealt with."

1447. Do you think it was a fact that they were dealt with differently?—Quite clearly.

1448. Mr. Commissioner EHRMAN.—Do you know, from investigation or otherwise, was the party kept out coming up in possession?—That I cannot tell. I cannot give an opinion upon that.

1449. You don't know whether they had hands or arms or anything that way?—No.

1450. Mr. McLaughlin.—With respect to the magistrates, you will allow me to ask a question or two? Mr. Commissioner EHRMAN.—Yes.

1451. Mr. McLaughlin (to witness).—You were present, I presume, during the investigation that took place into the deaths of those unfortunate young men, Monaghan and O'Neill?—Yes, I was present at the inquest and also at the inquiry—all of the time.

1452. Were you present on any occasion when Mr. O'Donnell, the stipendiary magistrate, expressed his regret with respect to the course taken by the rest of the bench, and that he had not the power of having the case conducted as it ought to be, or expressions to that effect?—Oh, I can charge my memory very clearly with it, but as it is of importance?

1453. If you please—Yes, he said so.

1454. On that occasion, when taking the informations against the men, did you, Mr. O'Donnell, and Captain Coote agree to differ from the other magistrates as regarded the course they were taking with respect to Captain Stafford giving evidence?—Oh, yes.

1455. Now, as regards the premature conclusion of the investigation, did you agree in the course that the magistrature eventually adopted, of sending ten of the Constabulary for trial?—I neither dissented from nor assented to it.

1456. Did Captain Coote or Mr. O'Donnell or either of them agree?—Mr. O'Donnell stood on the bench, when he came out of the consultation in the room, that he neither assented nor dissented.

1457. I suppose Captain Coote made a similar declaration?—He did not.

1458. But, as a matter of fact, if the matter had been left to the determination of Mr. O'Donnell or yourself, you would have come to a conclusion different from that which the bench came to?—I don't know what Mr. O'Donnell would have done, but I would certainly.

1459. Mr. Commissioner EHRMAN.—As to sending the police for trial?—Yes, at the particular time—that was before the case was concluded. Indeed, the magistrates were all tired of it, and there was nothing seemingly to make an end of the trial. They were sick of it.

1460. Mr. McLaughlin.—Now, with regard to the charge against Barker, for the wilful murder of Craig, do you remember that man being admitted to bail by the magistrates?—Yes, I do.

1461. Was it on the information of Murphy, the man who has since died, and who swore Barker fired the shot?—Yes.

1462. Do you know whether you agreed in the propriety of admitting that man to bail on a charge of wilful murder?—Oh, certainly I did not agree to it at all, but protested against it, and begged of them to reconsider the decision they had come to, after the strongest remembrance that Captain Coote was capable of making to them, and myself.

1463. And yourself?—Yes.

1464. Was Mr. O'Donnell also against it?—He was not there.

1465. Did not Mr. O'Donnell on the same occasion say, "Captain Coote, you will be able—you have the power of pointing out some other course perfectly legal"?—That was in his remembrance.

1466. Notwithstanding which, the man was admitted to bail?—He was.

1467. You said a few moments ago that there was an impression abroad that the magistrates, not only with respect to the political cases, but with respect to the business of their ordinary jurisdiction generally, did not believe the oaths of Roman Catholics. The deposition in Barker's case was that of Murphy, who was a Catholic, I believe?—Yes.

1468. Barker was a Protestant?—Yes.

1469. In the deposition of Murphy did he not swear that Barker was the man that shot Craig?—He did.

1470. And Captain Coote pointed out that it was in antagonism to the law to admit Barker to bail, on a charge of wilful murder?—Yes, and I afterwards based a magistrate say that he hoped Murphy would not die that he might have the satisfaction of trying him for perjury.

1471. Mr. Commissioner MURPHY.—Was he one of the magistrates that presided at the inquiry—at the investigation?—He was one of the magistrates, and it is as true as that we are in this Court House.

1472. Did you understand by that observation that he had himself any particular knowledge to show that anything Murphy stated was untrue, or had he no more knowledge than was to be had from reading the information?—From reading the information, but he may have got some private knowledge. I did not know of anything of it, but what was stated in the information was not made public, but was read by the magistrates.

1473. Mr. Commissioner EHRMAN.—If you have no objection to give the name of that magistrate we would be glad to have it. If you have any objection, of course we would not ask it. You can well understand this is a peculiar inquiry?—I know it is.

1474. Mr. Commissioner MURPHY.—If you don't think it will do any mischief?—I will give it to the Commissioners with great pleasure, but I would not like to state it here.

Mr. Commissioner EHRMAN.—We will consider it afterwards.

Witness.—To state it to the public, I think, would be injudicious.

Mr. Commissioner MURPHY.—You are quite right. It was not done in public.

Witness.—It was not done in public.

1475. Mr. Commissioner EHRMAN.—Had that gentleman expressed during the progress of the inquiry from what took place, a belief that Murphy was not correct in stating that it was Barker shot Craig?—Yes.

1476. He had expressed that?—Oh, no, no, he did not. He was very attentive during all the investigation.

1477. You know sometimes for instance, a man

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esq., &c.

may take a particular view and say he does not believe a particular witness while others do believe him. Was it said in that way? No; it was not said on the bench.

1478 But what I wish to know is—did he, from what passed before he said that, appear to have the impression on his mind that the man had, from some cause or other, not told the truth with respect to the party who fired the shot?—Of course he had, or he would not say so.

1479 Mr. Commissioner MORPHY.—He had that impression?—Yes.

1480 But there was not anything in the proceedings made public, or in the depositions, to warrant the assertion as to the falsehood of the statement?—Oh, certainly not—what object—what animus could Murphy have against Barker?

1481 There was nothing apparently contradictory of it in the information given in at the time?—Oh, certainly not. Barker was a third party. Murphy was shot himself. He did not know by whom he was shot himself. Captain Cooke said it came out incidentally—the mention of Barker's name, and he inquired into it after that.

1482 Was it deposed to at that time that Murphy was lying in a dangerous state?—Well, Dr. Robinson, the Mayor, was the surgeon, and Captain Cooke had the care of the case, and he inquired after it.

1483 The statement of the magistrate, that he hoped the man would not die until he could be presented, that of itself sufficiently indicates his state?—Oh, the Mayor never held out any hope that the man would survive.

1484 Mr. McLaughlin.—Dr. Robinson was the surgeon of the Infirmary?—Yes.

1485 Mr. Commissioner EXMER.—You have had a great deal of experience—or much, perhaps, as any other gentleman could have, and I would ask you, first of all, is the local police force, as at present in this city, sufficient for the preservation of the peace of it?—Well, I prefer the constabulary, and my reason for it is, these men are generally local, and become more easily assimilated with localities, and I do not think a police force should become localised in that way.

1486 You think there should be one force in the city, and that that force should be of the Royal Irish Constabulary?—I do.

1487 I suppose you know what is the actual amount of the present police force?—I think between thirty and forty.

1488 Are you able to form an opinion or estimate as to what would be the number of police or constabulary which it would be desirable to have for the maintenance of the public peace in the municipal district of Londonderry, which I believe is the same as the Parliamentary—have you considered that matter?—No.

1489 Do you consider the present number of from thirty to forty is at all sufficient for the preservation of the peace, having regard to the population, and to the duties that are to be performed?—I think they are too few.

1490 Have you considered at all what would be the necessary number?—I think we should not at any time have less of a local force and constabulary force than from sixty to eighty men.

1491 And instead of a divided force, local and of constabulary, you are of opinion it would be better that they should be all one force?—All one force—and I would say fewer of the constabulary would do if they were undivided.

1492 And according to your opinion it would be preferable to have a force of constabulary rather than the local force?—Decidedly.

1493 It is your opinion that that force should be regulated just as in the other towns and counties?—Oh, certainly.

1494 Under the charge of the Government?—Under the charge of the Government.

1495 Is there in your opinion, from experience, an

impression of a favourable or an unfavourable nature with respect to the city police existing amongst the Roman Catholics?—I would rather not give an opinion on that, unless you think it is solemnly necessary. We have a large number of people here, and the local force have a good deal in their hands now, and it might be prejudicial. If you wish I have no hesitation in answering it.

1496 I put it this way, do you think it would give more satisfaction to the people in general, and particularly to the Roman Catholic portion of them, that the local force should be abolished altogether, and that the peace of the city should be confided to the constabulary?—Oh, decidedly.

1497 Is it your impression also that it would conduce to establish a good opinion amongst all orders that a resident magistrate should be placed in Londonderry?—Oh, no doubt of it.

1498 And that that magistrate should, of course, act as a magistrate with the local magistracy?—Yes.

1499 Is there a Police Committee of the Corporation?—I think so.

1500 And is that Police Committee the body that from time to time elect members to the force as vacancies occur?—Well, not being in the Corporation I cannot answer that.

1501 Would the consideration of the duties the local police force perform with respect to night watching, and keeping the streets tolerably clear, induce you to alter your opinion? In some places it is thought that night watchmen are very useful, in others it is supposed the constabulary do the duty better. Would that matter be an element to induce you to alter the opinion you have given in favour of the constabulary?—Oh, not at all. I think there are very few in Derry who would not bid the change with satisfaction. I am not finding fault with the men. I would be very sorry to find fault with them.

1502 The local force are not armed?—No, except with sticks, or things they carry under their coats—batons, or something.

1503 They have never been put through any sort of drill or anything of that kind?—That is the reason I give my opinion so strongly about the other force, the constabulary; that force is a disciplined force, and can bear things and go through things that other men undisciplined cannot. Their feelings would not allow them to do it.

1504 And do you think as there would be more confidence in the constabulary force, if you had that force things would be quieter in the city?—Oh, decidedly.

1505 Have you considered at all the question of taxation with respect to the police force for the city?—No. The question of taxation has always been very light upon me. They don't care what taxes are put on if the money be only properly expended. But they would like to see it properly expended.

1506 Then it is your opinion, I collect, that as regards the owners of property any increase of taxation that might be put on the city, for an increase of force—assuming it to be the constabulary—would be cheerfully borne by them?—I would not like to speak for the owners of property, but I think they would be willing.

1507 What do you say as to the local householders?—The householders would almost be unanimous about it.

1508 And the increased taxation would be more than compensated by the security that there would be for life and property and peace in the city?—No doubt of it.

1509 Mr. McLaughlin.—I believe you said that the city police are locally connected with the city?—I said they had become localised.

1510 The preference that you believe to exist, for the constabulary over the city police—is it confined to the Roman Catholics, or does it generally exist?—It is not confined to Roman Catholics?—Certainly not.

1511. Have you sufficient knowledge of the local police force to be able to say what proportion the Catholics and Protestants bear to each other in that force?—I do not know.

1512. With reference to what public opinion is, have you ever heard or are you aware of any public expression of opinion as to whether the city police were looked on as an exclusive force, as regards religion?—I would rather not give any opinion about it.

1513. I can very well understand your difficulty. You have stated to Mr. Commissioner Egan that you think it would be an improvement to have a resident magistrate personally stationed here?—I did, and I repeat it.

1514. It would give more confidence in the decisions of the Bench?—I think that would be the result of it—that would follow as a natural consequence.

1515. Do you think two resident magistrates of different persuasions, one a Catholic, another a Protestant, would still further increase the feeling of public confidence?—Well, I suppose it would, but for my part I never knew any difference between a Protestant and a Catholic in my life.

1516. I understand your feeling. I ask you now whether you a Catholic, and of an exceptionally good position in Derry, have not all your past life lived on terms of amity and harmony with your Protestant fellow-citizens?—I would rather you asked somebody else that.

1517. Do you believe, and I ask your attention to the question, having regard first to the want of confidence in the magistracy of the Catholic writers and witnesses, and next to the fact that on two recent occasions two resident magistrates joined in remonstrating with the rest of the Bench against what they did in party cases, that the sitting of even two resident magistrates on the Bench would inspire public confidence amongst the Roman Catholic population?—Oh, that is perfectly correct.

1518. Do you believe that?—I do.

1519. And do you believe that, notwithstanding the fact that on the recent occasion a majority of the Bench out-voted the other magistrates, that they acted in direct antagonism to the law?—That is quite evident from what passed without my answering it.

1520. Have you ever turned your attention to the subject of divisional magistrates, or magistrates after the model of the Dublin divisional justices?—No.

1521. Divisional magistrates, sitting, by themselves, deal with the cases that come before them. Have you turned your attention to that?—No.

1522. Can you suggest any arrangement whereby such an occurrence as that which recently took place—

the other magistrates out-voting the resident magistrates and yourself, and disregarding your remonstrances in a case of life or death, having admitted error to bail—can you suggest any arrangement whereby the like may not occur again?—That is too delicate a matter.

1523. Would you say it is impossible?—No; everybody knows that the Government have it in their own hands, and can do what they like about it. I think it would be presumption in me to offer any opinion upon the point.

1524. It is not opinion, but as a matter of fact. Suppose for a moment two resident magistrates were sitting (which God forbid) in a similar case this day twelve months, and the same evidence was offered with respect to the same charge, would the permanent sitting of two resident magistrates prevent the result already come to in the case I supposed?—How could it, surely they would be out-voted.

1525. I believe the great bulk of the gentlemen holding the commission of the peace for this city are Protestants—are they all of the Protestant religion but yourself?—I know they are Protestant and Presbyterian; I don't know whether there are any Methodists or not.

1526. But at all events you are the only Catholic?—I believe so.

1527. I believe the majority of the other magistrates are conservative in politics?—How can I tell that?

1528. From their publicly acting on election committees, and all that?—

Not answered.

Mr. McLaughlin.—It makes no matter.

1529. Mr. Commissioner Egan (re-enters).—With respect to the desirability of two stipendiary magistrates of different religions, you have lately had two gentlemen of experience here, Captain Coote and Mr. O'Donnell?—Yes.

1530. Is it your opinion, no matter what stipendiary magistrate was sent down by the Government here—sent with the power of removing him at a moment's notice—that the people would be satisfied with that magistrate, and that the step would inspire confidence?—Not a doubt of it.

1531. No matter what was his religion?—No matter what was his religion.

1532. Take for instance the case of Captain Coote and Mr. O'Donnell, the other day; did they inspire confidence in the people by their presence here?—As far as my knowledge, they would not make one bit of difference between them.

1533. Mr. McLaughlin.—One being a Protestant and the other a Roman Catholic?—Yes; they would not make a bit of difference between them.

Mr. Andrew McCafferty examined by Mr. McLaughlin.

Mr. Andrew McCafferty.

1534. You reside in Derry?—Yes.

1535. I believe you conduct a good deal of business, partly farming and partly shop-keeping?—Yes.

1536. You are a Catholic in religion, and a liberal in politics?—Yes.

1537. And I believe for many reasons you know the feeling of your party well?—I should say I do. I have had experience in that way.

1538. With respect to the displays of the Apprentice Boys what are the feelings of the Catholics?—Well, there is a very bad feeling towards the Apprentice Boys, and there has been for the last thirty years.

1539. Do Catholics or do they not regard these displays as offensive?—They do.

1540. Do they or do they not, as far as you know their feelings, regard them as intentionally offensive?—Yes.

1541. Do you yourself as a Catholic participate in that feeling?—I do.

1542. And you regard them as offensive, and as intentionally offensive?—No doubt of it.

1543. Now as it is a few Catholics or all of them that share that opinion?—All equally.

1544. Lay and clerical?—Yes.

1545. High and low?—Yes; and all the respectable Protestants of the town.

1546. Now do you regard these displays as fraught with danger to the public peace?—I believe myself that it might come out to the death of three men, but to twenty times three.

1547. Deaths?—Yes, I have not the slightest doubt of it from the arrangements that were being made.

1548. Mr. Commissioner MORPHY.—Arrangements to appeal?—Yes.

1549. Arrangements to oppose the procession of the 12th of last August?—Yes.

1550. Mr. McLaughlin.—Why, as far as you know, have the Roman Catholics instead of trusting to the protection of the law, made these arrangements to put down these displays by physical force?—They never see justice done in the outrages raised by the Apprentice Boys' party.

1551. Are the Catholics brought to the Mayor's office?—Yes; but generally they see the Apprentice Boys sent out clear while the others are imprisoned.

1552. Have the Catholics in point of fact lost all

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August 9.
Mr Andrew
McCallister.

confidence in the law as regards preventing these displays?—Yes. I would not bring a case before the magistrates of Derry.

1553. Now when you talk of arrangements having been made, were any considerable number of men organized to prevent the procession?—About 5,000.

1554. You knew that of your own knowledge?—I do; out of my own pocket I spent £10 to stop it.

1555. And I believe other persons of influence with the people joined with you?—They did.

1556. Is not this done proclaimed at present?—It is.

1557. I believe a proclamation requiring the people to give up any arms not licensed has been issued?—Yes.

1558. Do you believe arms are extensively in the hands of the people yet, within the limits of the proclaimed district?—I do believe it—thousands.

1559. Do you know whether you were helped to prevent any opposition by representing to those who intended it that that commission would do them justice—as that feeling prevalent?—It is, and I believe it was a great help to me in preventing opposition on the 12th of August.

1560. Since the last 12th of August do you know of any further organization intended for the repression of those, as they are regarded, troubling displays?—I do.

1561. Now you are a reasonable clear-headed man—have you any apprehension in your mind as regards the state of public feeling following a repetition of these displays?—I believe they will lead to bloodshed—I believe they will if continued.

1562. Solemnly I ask you?—I am sure of it.

1563. Is that feeling generally shared by your co-adjutors?—It is.

1564. Mr Commissioner EHRAM.—You say about 5,000 men were organized to oppose the procession, were those men armed do you know?—A great many of them were armed.

1565. In the course of this year?—In the course of this year.

1566. Could you give any idea of the number?—No, I could not give you any idea. I know at one time, not long since, there came a great quantity of arms, a little before the proclamation, to the Catholic population of Derry, such as revolvers, and I believe—I was not there myself—that at Muff Glen there were not less than 700 stand of arms from the city of Derry.

1567. How far is Muff Glen from Derry?—Six or seven miles.

1568. And these were in the hands of opposing parties?—They were in the hands of the Catholic party.

1569. Seven hundred—what sort of weapons were they?—A good many guns, revolvers, and rifles. Some rifles and muskets I heard went out to a box the evening before.

1570. From where?—From Derry to Muff Glen.

1571. From what house or place?—I could not say.

1572. You do not know?—No.

1573. Mr Commissioner MURPHY.—Revolvers?—Yes, there were a great many revolvers.

1574. Mr Commissioner EHRAM.—About these revolvers—when were the revolvers got?—They were got about the time of the election.

1575.—About the time of the election?—Yes; three hours previous to the election—I am sure there were not less than 1,000 revolvers in the streets.

1576. Given out?—No, belonging to the people.

1577. In the possession of both parties?—Yes.

1578. How long before the election do you know yourself, or could you tell, was the giving out of the revolvers?—No; everyone purchased—everyone bought.

1579. Everyone bought?—Yes, and, I believe, they were bought more extensively by the Catholic party, inasmuch as there were threats from the Apprentice Boys that if they should lose the election they would shoot the Catholics.

1580. Mr Commissioner MURPHY.—Did you hear any of those threats yourself?—I did. I heard them.

1581. You heard them made?—I did.

1582. Mr Commissioner EHRAM.—Do you think that the supply of arms has been increased since the election?—I think so; and in consequence of the threats made previous to the election—to preserve the city—to preserve the Catholics of Derry; and I myself employed 3,000 men, and paid them.

1583. At the election?—At the election—from the threats that were used before.

1584. As far as you know have no arms been given up since the proclamation?—Oh! there have been arms given up.

1585. To the constabulary?—I am not aware of any; I don't know. I know I applied for a licence for anything I had, and I got it.

1586. As far as you know, are the people in the habit of carrying arms publicly about their persons, or are they deposited in any place, or kept in their houses?—I don't know; but I know during the time of the election that they were carried about.

1587. But, at the time this organization was going on, when you say you had a difficulty in stopping the parties yourself, do you know where the arms were then, or were they carried?—Everyone had them—they were their own property.

1588. Have you, knowing the feeling so well of the people, thought at all of any change in the police force?—Well, a change in the police force would, I think, serve to give a great deal of peace in this city.

1589. And should that change be by getting rid of the local police altogether, and placing the entire duty in the hands of the constabulary?—Yes, I think if that were done, and if a step were put to all displays, no matter from where they came, in the course of a year or two this would be as quiet a city as there is in the world. Put down every display—"Patrick's Day," and everything.

1590. Mr Commissioner MURPHY.—When you say a body of 5,000 men were organized to prevent the procession of the 12th of August last, did you hear that a body or a number of men were organizing to prevent it?—I did.

1591. You heard they were organizing?—I did. I was one day out in Bannerman, and they were making arrangements there to bring 2,500 from Bannerman and Lamlashowen for the 12th of August, and I heard of the arrangement at Muff Glen, there was 1,500 to come there from other places and somewhere for Derry.

1592. And you say you took active steps to prevent opposition, and that you lost money by it?—I did indeed.

1593. Did you speak to other persons to exert their influence to prevent it; to the clergy, for instance?—I did. I spoke to the clergy, and the bishop gave a very nice lecture on it in the morning, and I believe that was the greatest help to put it down.

1594. Mr McLaughlin.—Dr Kelly is the Catholic bishop?—Yes.

County Inspector Arthur Willoughby Stafford, Royal Irish Constabulary, examined by Mr. McLaughlin.

1595. You were in command of the constabulary here until recently?—Yes.

1596. I believe you have been recently promoted to the county of Down?—So the Inspector General told me.

1597. You were here in the capacity of Sub-Inspector, and your promotion to a County Inspectorship is advancement?—Yes.

1598. When did you first come here?—In June, 1865.—I think about the 14th of June, '65.

1599. What was the number of constabulary originally under your command in this city?—Fourteen men, including the Head Constable.

1600. I believe a good many of those men had bareback duty to perform, which reduced your avail-

County
Inspector
Arthur
Willoughby
Stafford

able force to a much smaller figure?—Yes. We found the force available for the public service would be reduced from fourteen to about five men.

1601. Therefore, as the active force of the constabulary would be only five, the preservation of the peace of the city, as regards general arrangements, would devolve upon the city police?—Yes, at least to a very great extent.

1602. Do you know approximately the number of the city or Corporation police?—I cannot speak positively, but I believe about thirty-six and an Inspector, of course.

1603. We will call it a force of forty. I believe the Inspector is Mr. Maguire, who has been a long time in the force, and has considerably risen to the highest rank in it?—I know nothing of that.

1604. Your Head-Constable when you came here first was Mr. Bailey?—Yes.

1605. He retired after a long service, I believe, and was succeeded by Mr. Davis?—Yes.

1606. When did Head-Constable Davis come in succession to Bailey?—I think in April last.

1607. In April—the month in which the last unfortunate occurrence took place?—About that period.

1608. Going back to the 30th July, the night of the attack on the Town Hall, I believe there was a good deal of excitement then existing, in consequence of the pending election?—Oh, yes.

1609. Was there any extra force of constabulary in town that night?—No, only the Waterside men.

1610. That is on the county Antrim side of the river?—Yes.

1611. What is the number of the Waterside men?—Four men, that is the usual number.

1612. And the same principle of limitation, as regards the not number for active service, similarly applies there?—Yes.

1613. What number is over there?—Well, four men. We have four men available, unless some casually occurs.

1614. On the night of the Corporation Hall, as we will call it, were you there?—Yes.

1615. Did you hear on that Monday, the 30th of July, that an attack was meditated on the Corporation Hall?—Oh, no.

1616. Passing from that for the present, had the local excitement which prevailed on the night of the election made you more or less watchful?—Oh, yes; for a length of time we had a great deal of active duty.

1617. Then the particular portions of the city most likely, in the event of disturbance, to be the sources of excitement, were pretty well known to you?—Yes.

1618. You know where Butchers'-gate was, I suppose?—Yes.

1619. You know where the land-room was in London-street, and also at the corner of Society-street, or I believe it is Meetinghouse-row?—Yes.

1620. The room in London-street was part of premises occupied by a gentleman who does not live there now—there was a land-room there?—Yes, I believe there was.

1621. And the other room at the corner of Meetinghouse-row and Society-street was the gun-room of the Apprentice Boys?—There was a change; there was some difficulty, I don't know what it was; I think, some persons objected to parties meeting in the house in London-street, and then the other house was taken, which was occupied as a land-room. I am not sure of that, but I know in the room in London-street I have heard the band playing—promoting.

1622. Do you know of any room or any place in Stables-lane—that little lane that communicates close to Bishopsgate with the wall—had they a gun-room there?—No; there is a potato-market there.

1623. Do you know the lane called the Potato-market-lane, running at the rear of the Imperial Hotel until it joins on Meetinghouse-row?—I do.

1624. Do you know whether prizes were kept

there for the purposes of artillery?—Not that I am aware of.

1625. Or for a band?—I don't know.

1626. What position were you in with respect to the Corporation Hall about eight o'clock, or seven o'clock, on the night of the 30th of July, 1868?—I was not there at the time Mr. Hagg describes the parties on coming down the street. I was there very shortly after that. There was an officer in charge on that occasion, he was a young man named Lawlor.

1627. Sub-Inspector Lawlor?—Yes; he was there at the time of the occurrence. I was not there at the moment.

1628. Where is Sub-Inspector Lawlor now?—I believe at Maghera, in this county.

1629. Mr. Commissioner EXHAM.—Was he a Sub-Inspector on duty?—It is a rule in the service when a young man comes from the Depot that he remains at a headquarters station, as a sort of preparation, for some short time, to get instructions.

1630. It was not as an unusual preparation he was here?—No; he was merely here for instruction, from the County Inspector's office and mine, as to his duties.

1631. Mr. McLaughlin.—Just describe what you saw when you came on the ground?—Well, it was just at the time the attack on the Corporation Hall had closed. There was very great excitement.

1632. You mean the attack on the door?—Yes; there was very great excitement, and all the available men were there. I cannot tell the number, but the Waterside men, and any men that could be supplied from the barracks were in attendance, but I am not able to tell you, except from hearsay, anything about the attack.

1633. Mr. Commissioner MURRAY.—You saw say what it was you yourself saw?—There was very great excitement, and from my long standing here I had a good deal of influence amongst parties and I got them to leave, that is, the Apprentice Boys party—I got them to leave the street—a great many of them; and afterwards parties assembled in Butcher-street, that is, of the Bogside party, and the other parties came round, and it is my impression, I am not positive, it was the same party when I got up to London-street that came round at the back of Pump-street, and up through Ferry Quay-street, and stone throwing commenced between the two parties, which lasted some time. The police got between them and got them separated. There was at that time a good deal of rioting or fighting going on.

1634. This was all before the military came?—Oh, yes, it was.

1635. Mr. Commissioner EXHAM.—About what was the number of each of the opposing crowds at the time of the stone throwing?—Well, I should say a couple of hundred on each side—I don't think more.

1636. Mr. McLaughlin.—Do you know whether prior to the arrival of the attacking party, as we will call it, of the Apprentice Boys, any antagonistic crowd assembled?—I am not able to speak as to that, for I was not there. From hearsay I could tell, but you don't want to know that.

1637. Mr. Commissioner EXHAM.—When you saw the stone throwing, the opposing parties were in the Diamond actually?—Well, apparently so, for the Apprentice Boys party were at the lower end of the Hall from here. They came round the lower end to Ship Quay-street, then the other party were at the end of Butcher-street and had advanced a little into the Diamond.

1638. Then the head of either party was in the Diamond, and the others in the street behind?—Exactly, that is so; I ought to know it, for I happened to get into the middle of the stone throwing.

1639. Mr. McLaughlin.—You were injured?—No.

1640. I thought you were struck?—No; not on that occasion I was not.

1641. You never heard that any stone throwing, or anything of that kind had occurred before the attack on the Hall and the subsequent breaking of the window. You heard nothing of that?—No.

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Inspector
Arthur
William
McLaughlin.

FOURTH DAY.

August 21.

Clerk
Inspector
Ancient
Widows
Society

1642. You never heard of any stone throwing by the "Bogside" party before the attack on the Hall?—Oh no.

1643. I believe you did all you could on that occasion to preserve the peace?—I did; every exertion I could use.

1644. You have already expressed the opinion that the calling out of the military tended to preserve the peace?—Yes, I believe it did.

1645. As a gentleman giving very marked attention to the matter at the time, and who has been called on officially to express an opinion upon the desirability or otherwise of calling out the military, do you happen to know, as a fact, was Mr. O'Neill's conduct quarrelled with, because he did call out the military?—I do, and, I think, most unjustly.

1646. And, I believe, that quarrel as to his conduct was kept up for days and weeks?—Oh yes; there was a great deal of talking about it. I do not read much of these matters in the newspapers, but it appeared, I believe, in the local papers.

1647. And in other papers as well—you have told us that you did everything you could to preserve the peace on that occasion?—Yes.

1648. I believe Mr. John Guy Ferguson, who has been already mentioned, did you good service and endeavoured to repress the disturbance when it began?—Yes; he used his influence with the parties as much as he could.

1649. His influence with the Apprentice Boys' party is unquestionably very great?—Well, I presume so.

1650. Being their Governor?—Yes.

1651. That is the reason why you wished to have his influence used with the Apprentice Boys, and you asked him not to go to Moville that evening, but to stay and give you any assistance he could?—Yes, he informed me he was going, and I said I would be obliged to him if he would remain and assist me in preserving the peace.

1652. Mr. Commissioner KILMER.—Was that when you came up at eight o'clock in the evening?—No, it was not. That was early in the evening, when there was some rumour of a disturbance; but I did not think anything would take place at all. It was only a rumour, and there were so many rumours that you could not rely upon any of them.

1653. Mr. McCullagh.—Did you not state in answer to the question put by counsel appearing below—"Why did you ask him?" "Because I knew he took a leading part amongst the Apprentice Boys"?—Yes, I always understood he was the Governor of the Apprentice Boys.

1654. There is no use in taking you through details. Were you there when the military came up?—I was.

1655. And I believe they took positions at the various entrances to the Diamond?—They did. They were divided, I believe, into sections, and placed at each opening into the Diamond.

1656. A good deal of feeling was excited when this matter was being investigated afterwards?—Oh, it was very strong.

1657. I believe about the time the inquiry had terminated, or while it was still pending, the 12th of August came round?—Oh, yes, the anniversary.

1658. Did you see a procession on that day of the Apprentice Boys?—I did.

1659. Had it drums and music?—Yes. Just as usual.

1660. Describe the band of the procession?—Well, the band of the Apprentice Boys are a band dressed in a suit of uniform.

1661. Like artillery men?—Something in the same style as artillery.

1662. Did the Apprentice Boys wear scarfs?—Crimson scarfs.

1663. Were there flags?—Yes, flags.

1664. Could you tell the colour of the flags?—Primarily crimson.

1665. And exceptionally orange?—No, I did not see any orange flags, at least what I would call orange flags. I did see orange flags, and I saw crimson flags as well.

1666. What obtained with respect to the 12th of August obtained on the 18th of December. You did not see, I believe, the procession of the last 12th of August?—No, I was in Dublin then.

1667. Abstaining from the question whether or not the Catholics are right in regarding these displays as offensive, in point of fact does there exist amongst Catholics a feeling that they are offensive?—Yes; a very strong feeling, and I may add more—that many very respectable Protestants are opposed to them as well.

1668. I suppose that is from the idea that the public security is more or less endangered by these exhibitions?—Yes.

1669. I will ask you, on that point, whether or not you think that the public security would be benefited if these exhibitions either were not indulged in, or were put down if attempted to be indulged in?—I certainly believe it would—all processions of every class and band-playing through the town day or night, no matter on what pretence.

1670. Do you believe that it would tend to the further maintenance of order and tranquillity within the city?—I believe to a very great extent it would.

1671. Do you believe it is a step that should be taken for the maintenance of future order and tranquillity in the city?—Not a doubt of it.

1672. Do you believe—following the words of the warrant—that if these processions are engaged in it would be the duty of those charged with the preservation of the public peace to interfere for their prompt suppression?—Well, that is a question I don't quite apprehend. Please repeat it.

1673. Do you believe, having regard to what you have said as to the tendency of these displays and to the danger of them, that it would be the business of the authorities, if they had the power, to interfere for the prompt suppression of such displays before they led to riot and disorder?—Yes, I believe it. I speak as well from my experience in this place of four years as also from what I heard from respectable inhabitants.

1674. Were you here on the 25th of last November?—Yes.

1675. On the occasion when Dr. Miller was returned in opposition to Mr. Ruggart?—Yes, I was.

1676. I believe there was some little rejoicing on that occasion?—Yes; but not by a procession. There was a burning of bar barrels—that was the only thing.

1677. I believe, whatever it was, it was in Pump-street, inside the walls?—Yes. I did not see anything of it myself, but I understood such was the case.

1678. I believe something of the same kind occurred on the 1st of December, on the election of the mayor?—Yes.

1679. We may pass over the election, the nomination on the 20th, and the polling on the 22nd of November—these were, in point of fact, no riots on either occasion?—No.

1680. I believe, although there were great apprehensions about the election, it was about as peaceable an election as ever took place?—I think it was a very peaceable one, and I had been on duty at elections before. It was very peaceable, indeed; but every precaution was taken to preserve the peace.

1681. I believe every precaution was taken, in consequence partly of very serious apprehensions that existed that, both parties being armed—the Roman Catholics having recently got arms—it was likely there would be a deadly collision?—Yes, and proper precautions were taken to obviate the consequences. As far as my recollection serves there was a force of 300 of the constabulary, two troops of the 12th Lancers, and about thirty of the mounted force in attendance.

1681. Mr Commissioner EXHAM—You mean it was perceptible, in consequence of the precautions taken by the authorities of sending sufficient troops, and the disposition of those troops afterwards by the authorities—Yes, every precaution was taken, and it had the desired effect.

1682. Mr. McLaughlin.—During that time, do you know whether the local magistrates acted solely with respect to the disposition or management of the forces, or were they assisted by some stipendiaries? Were there two or three sent for that purpose?—There were.

1684. Who were the stipendiaries sent to take charge of the arrangements?—There were Captain Peel, Captain Black, and a third gentleman, a Mr. Manney, from Limerick. He was a recent appointment.

1685. And these three magistrates were specially charged with the arrangements that were made?—Yes.

1686. Do you remember the inauguration of the late Mayor, on the 1st of January, 1869?—Yes.

1687. There was then some tar-barrel burning?—Yes, that was all.

1688. And some grouting?—Well, the fact is I did not see anything of it at all myself, but such was the case. I know some tar barrels were burned in the neighbourhood of the town.

1689. On the 9th of February, 1869, the decision of the Judge was given on the petition to unseat Sergeant Downe?—I am not sure of the date.

1690. There is no doubt that is the date. I believe on that occasion there was a large procession organised, what we will call a "Downe procession," with music and torches?—Well, I cannot speak as to seeing that procession, only a portion of it.

1691. But there was such a thing?—There was.

1692. Were you at Butler's-gate?—No, I was not. I was at Butler's-gate. I took that post from knowing the locality.

1693. Butler's-gate is the gate that leads into the "Beg-side" quarter?—Yes.

1694. Castle-gate is not so bad as regards position as Butler's-gate—it leads into Cow-bog-street?—I think it leads into the same street.

1695. You took charge of the opening at the most difficult and dangerous point?—I did.

1696. Was there any attempt made, successfully or otherwise, by the processionists to break in through your phalanx at Butler's-gate or Castle-gate?—No. Several parties came to me and asked me if it was the case that they would be prevented going that way, and I said it was the case, that no procession would be admitted at any of the gates. I may tell you what the parties said to me. They said it was very hard they should be prevented going in when at the election of the Mayor parties were allowed to have a procession and burn tar barrels. My reply to that was, "Well, you may thank yourselves for this precaution being taken." I alluded to what occurred on the return of Sergeant Downe, when he was declared elected, before the petition was heard of at all. On the night he was returned there was a procession through the town of the Beg-side party, with tar barrels, and they were not interfered with; but windows were broken, parties were assaulted, and in consequence of that it was determined to prevent such a thing again, and that was the reason processions were taken to keep out any procession.

1697. Were the windows that were broken on the occasion of Sergeant Downe's election windows outside the walls?—Oh, inside.

1698. Inside?—Inside and outside both.

1699. I believe the windows broken outside were principally those of Mr. Fungblan Louch?—His windows were broken, the windows of the police stations were broken, the windows of Lord Clonville Hamilton's tally-rooms were broken. Mr. Louch's is just opposite to that.

1700. But all these are outside the wall?—All are outside the wall.

1701. Gave me the name of any person inside the wall whose windows were broken?—I cannot give you the name.

1702. Mr Commissioner EXHAM—But there was no doubt there was a procession on the night of Sergeant Downe's return?—Oh, no doubt at all.

1703. And tar barrels were burned?—Yes.

1704. And the people in that procession broke the windows of persons of the opposite side?—Yes.

1705. How many were in that procession?—Well, 400 or 500.

1706. Did that go on long?—No, not very long.

1707. Did they come inside at all?—They were all through the city. The first tar barrel I saw lighted was in Shipquay-street, nearly at the foot of Shipquay-street, and that was carried up through the town, and the parties as they went along were joined by other parties.

1708. And they broke windows both inside and outside the walls?—Yes.

1709. The Commissioner—I heard it stated that there was no procession that night.

Mr. John Houghton.—No. What I said was that I was not out that night at all.

1710. Mr. McLaughlin (to witness).—Without quarrelling with the general correctness of what you say, were windows broken inside the wall that night?—Oh, there is no doubt about it; though I cannot give the names now.

1711. That was on the 22nd of November?—It was on the evening of the day the election terminated in favour of Sergeant Downe, I think the 21st.

1712. And in consequence of that it was thought necessary to keep any similar procession from coming inside the walls?—Yes, because parties said that if the authorities did not protect them, then they would protect themselves, if such a thing occurred again.

1713. Mr. Commissioner EXHAM—That is the people in the town, inside the walls, whose houses were attacked?—Yes, they said as the authorities did not protect them that night they would protect themselves in future.

1714. And in consequence of that the other procession was kept out, and the police took charge of the opening? [Not answered.]

1715. Mr. McLaughlin.—It was thought by the authorities, in point of fact, not safe to admit such a procession inside the walls again?—Yes.

1716. Now, that procession I gather from you took place on the 22nd of November, or thereabouts?—On the evening of the return of Sergeant Downe.

1717. And the procession that had the tar barrels inside the walls, and that burned the tar barrel in Pump-street, took place on the 1st of December following—on the election of the mayor?—Yes.

1718. Was it thought desirable or necessary by the authorities, from their experience of what took place on the night of Sergeant Downe's return, to keep those people with the tar barrels outside of the walls?—No, it was not; I had not any communication on the subject, in fact, I did not know anything of it, until it was all over.

1719. You act under orders?—Sometimes I do, and sometimes I have to act upon my own responsibility, which is often not an easy matter.

1720. Let me ask you—on the 1st of January, 1869, was there not some little demonstration of tar barrels, as a sort of rejoicing amongst the Conservatives, at the inauguration of the late mayor, and was not that procession inside the walls?—That was merely, as far as I can understand in Pump-street, before his own house.

1721. But Pump-street is inside the walls?—Yes.

1722. It was not so extensive as the one that took place on the 1st of December?—On the 1st of December it was a little more lively.

1723. It was after the 1st of December, and after the 1st of January, that the processionists of the 9th of February—being the night on which judgment was given on the election petition—were kept out, and very properly kept out—I don't at all contradict that—by the authorities?—Yes, it was.

FOREVER DAY.
—
August 31.
—
County
Inspector
Archives
Wiltshire
Bisford.

James Ray
August 31.
County
Inspector
Arthur
Wilkinson
Stafford.

1734. I think you said that the election, as elections go, was rather a peaceful one?—It was very peaceful compared with elections I have witnessed.

1735. The window-breaking you mentioned was not the first window-breaking in connection with the election? The first was on the night of Sergeant Downes's lecture, on the 25th of July. Do you know whether or not the Standard Office windows were broken still on the night of Sergeant Downes's lecture?—No.

1736. Did you hear of it?—No, until this moment; no report was ever made of it.

1737. Did you hear that the windows of Mr. Michael Deherby, tobaccoist, in Ferryquay-street, suffered a little on the night of Sergeant Downes's lecture?—No, I did not. It might have occurred, but it was never reported to me.

1738. Did you hear some windows were broken close to Butcher's-gate, outside the gate, windows not of Deherby's?—Well, I am not very positive, but I believe such was the case. I think the windows of a man that sells old clothes, I forget his name, were broken.

1739. Supposing Deherby's windows were broken, or the windows of the Standard Office, both of these would be inside the walls?—Yes.

1740. I believe some of the Constabulary, on the night of this affray at Bishopsgate, sustained very severe and rough usage?—One man lost his eye, the whole party were more or less injured.

1741. They were badly treated by the people outside getting in?—Yes.

1742. I believe some of them did make a sport through the Gate down Bishop-street?—Yes, I saw a portion of that myself. I was sent for.

1743. Did you see a portion of the crowd, consisting of the Apprentice Boys, peering the "Beg side," as they run down London-street?—Yes, I did; I saw a great many shots fired.

1744. Will you please detail the circumstances?—Certainly; I, as already stated, was placed in charge of Butcher's-gate and Castle-gate with forty men, twenty at each gate. A person came to me whom I did not know at the time, nor indeed since, and told me that the police were being attacked at Bishop's-gate. I thought it was a false alarm and did not move. Shortly after that young Mr. Downes came.

1745. The son of Mr. Downes, the magistrate?—Yes, he said he was sent by the Mayor—the late Dr. Robinson—for me to bring up my men. I was just getting the men together from the Castle-gate and marching them off when the Mayor came up to me. I "doubled" the men part of the way up Meeting-house-row.

1746. By "doubled" you mean quick time?—Yes; and when I came to the end of Society-street the street was filled with people, and when I got nearly as far as Mrs. Roddy's a firing of shots commenced, as it appeared to me, as from both parties.

1747. Were you coming up from Meeting-house-row side, behind the wall?—Yes, and the whole end of the street was in a blaze of shots. I suppose I saw thirty shots fired, and the crowd was so dense that I could not get the men forward, and I was obliged to charge the crowd with the bayonet and drive them away.

1748. Mr. Commissioner EXHAM—What street was that in?—Society-street, just at the end of it, at the opening into Bishop-street. I was obliged to charge the crowd with the bayonet, and drive them out of it. At this time I saw a tar barrel going down the street, and the party that was with them went on with them down the town, and I saw no more of them. I went up where the remainder of the men were, the officer and his party were at the Bishop's-gate.

1749. As far as you could see, both parties appeared to be actually firing at each other?—Yes. You could hardly believe it unless you were an eye-

witness to it, and I did not hear of any person being injured.

1740. Were they close to each other?—Very close.

1741. What number were there at that time of the opposing parties?—I could not form an opinion of the number in Bishop-street. They were pretty thick at the time, but I should think there were 200 or 300 in Society-street; they were so packed together that I could not get forward.

1742. What party numbered 200 or 300—were they both equal, the two parties?—I could not tell the number of any party. I could not tell the number of the party who went down Bishop-street, for I did not get so far. I was not able to observe them with the mob coming down the street.

1743. But there was a large party?—A very large party indeed.

1744. Mr. McLaughlin—You were coming up from Bishop's-gate into Society-street?—Yes.

1745. Now coming from Meeting-house-row, which is a street that lies parallel with the wall—inside the wall beginning at Butcher's-gate and running up to Society-street—and where you turn into Society-street is there a coach factory?—Yes.

1746. The old coach factory, at that time the gun room?—Yes.

1747. It is a corner house, with one front towards the wall, the other towards Society-street, and Mrs. Roddy's is about half way between the gun room and the corner of Society-street, where it gives on Bishop-street?—Scarcely half way.

1748. On the right hand side coming up Mrs. Roddy's is?—Yes.

1749. As soon as you turned the corner from Meeting-house-row into Society-street you felt a difficulty in passing through the dense crowd?—As soon as I got up beyond the potato market, or the cabinet-maker's shop there.

1750. First there is the dead wall?—Yes.

1751. Then the potato market?—Yes.

1752. Then Field's, the cabinet-maker?—Yes.

1753. Then Mrs. Roddy's, then Coyle's, then two or three houses up in Meeting-house, the corner houses given on Bishop-street, with Meeting-house on the opposite side. Now, having explained the localities, let me ask you—When you came up toward's Roddy's the crowd began to get dense?—They were before me.

1754. And you had to drive there?—I had to drive them; some got back, but not many.

1755. Were not those stationed in Society-street more numerous, as far as you know, than the party passing down Bishop-street?—I could not say. I did not see the Bishop-street party at all.

1756. Were not those in Society-street exclusively, or almost exclusively, the Apprentice Boys' party?—I believed them to be so, but I cannot say.

1757. And were they not firing from Society-street into those who, running down Bishop-street, were passing the place where Society-street gives on Bishop-street?—As I could see them, I believe the two parties were firing at each other. It struck me both parties were firing at each other. There was firing from the crowd in Society-street, and also from the crowd in Bishop-street—it seemed to me so—that is from the place I was in.

1758. But the crowd in Bishop-street, coming down from the gate, were on their straight road?—They were going straight down.

1759. They had not turned into Society-street?—No.

1760. Mr. Commissioner MEURHY—Did you see both parties firing at each other?—Those I saw passing down by Society-street were fired at, and then those passing down fired at the others; that appeared to me to be the position of things.

1761. Mr. Commissioner EXHAM—As a man of experience, you say each party was firing at the other? [Not answered.]

1762. Mr. McLaughlin—Did you see any fragment of warfare on that occasion except revolvers?—

I did not see a single revolver on the occasion. I saw the flashes; that is all I could see.

1763. Mr. Commissioner ENHAM.—From your experience could you say whether it was the firing of revolvers or pistols?—Revolvers or pistols.

1764. After that what happened?—Everything grew quiet, I think. I patrolled the streets until between one and two o'clock, and everything was quiet after that.

1765. Did the "Beg-side" party go outside the wall and go home?—They went away altogether, and I did not see them any more. I don't know where they went to.

1766. And everything was quiet after that?—Yes, so far as I know.

1767. And you did everything that occurred to you that night to preserve the public peace with the force at your command?—Everything.

1768. Mr. McLaughlin.—Kindly tell the Commissioners exactly what took place, so far as you know, either from your own knowledge, or from equally reliable sources of information, on the day and night of the unfortunate 28th of April last?—It is a long story to trouble you with, but I will tell it as well as I can. From an interview I had with the late Mayor with respect to the force for the preservation of the peace on the occasion, he told me that he thought twelve men would be sufficient. I told him that I thought it would not be sufficient, and he said—"Oh, yes, I think it will." "Oh, very well," I said, but I did not actually attend to his order, for I had an increase of force of twenty men, including sixteen infantry and four mounted men. I received the Prince at the Platform a little after three o'clock in the evening on the arrival of the train. He then drove off, escorted by an artillery officer, and the Mayor accompanied him, and some other gentlemen that I did not know—I saw very little of them. However, I then marched my men to the barracks, and I made them leave their arms in the barracks, and subsequently I marched them up to Bishopstreet, and I then placed them in line in the street. I think there was a company of military on the opposite side of the street, and I was merely there with my men to make sure if anything should occur. After the Prince left the Corporation Hall he went up to the Imperial Hotel. He remained there a good while, and the Apprentice Boy party came down the street with the guns—with the cannon—and they remained opposite the Imperial Hotel. At that time there was a good deal of excitement. There was no fighting, but a good deal of excitement and cheering, playing of music, and all that. They moved down the street, and, so far as I know, put up their guns in their gun-room.

1769. That is the old coach-factory?—Yes, they went down in that direction. I remained where the crowd was to try and preserve order. I saw some of the Apprentice Boys afterwards through the street. I saw a few—or one or two—with the sponge-rods of cannon in their hands, and another band, with a flag, came down the street also; that is the band there was so much talk about here.

1770. Mr. Commissioner MURPHY.—The Hibernia band?—Yes, the Hibernia band; the flag was a white flag, with a purple border, and in the centre there is a harp, without the crown, with a lot of shamrocks around it, and on a scroll, "Hibernia Fides band." That band came down and played opposite the Imperial Hotel, and marched down.

1771. Mr. McLaughlin.—Do you know the ages?—Well, I heard two are played, that I knew very well, I heard "Patsie's Day" and I heard "the Protestant Boys" played, but I was not near either band at the time they were playing. I heard both of these tunes played. Then the Prince after some time went off in a carriage accompanied by the Mayor, and some other gentlemen—he left town for a considerable time. They went in the direction of Cullinstown, as far as I could ascertain; it was late in the evening when he returned—it was six o'clock, or later—and everything was

perfectly quiet then, and seemed as if it would be so, as far as I could judge at that time. I had some official duty to transact and I went to my office and transacted it, and then I went home to get something to eat. At that time it was after eight o'clock. It was nearly eight when I left. I got something to eat, and just as I was sitting in my dining-room, my mounted man O'Donnell came for his horse, and he told my servant that there was some rowing going on in the town, and I went out and spoke to him, and he said there was, and that the head-constable had sent him for his horse.

1772. Head Constable Davis?—Yes. I did not wait a moment. I hurried into town, so much so that I was in before him. I went to the Barrack, not knowing where my men were, and when I arrived at the Barrack I found that the men were in the streets. You know where the Barrack is—on the east wall, near the Imperial Hotel. I then hurried down to the Corporation Hall, where I found the Head Constable and his small party, and from what I heard from the men, and from what I witnessed myself, I asked the Head Constable had he informed the Mayor. I was informed that the police were obliged to fire at Butcherstreet—that they were attacked there and obliged to fire, and I asked the Head Constable if he had gone to the Mayor. He told me, so far as my recollection serves me, that he had, but that he was either defeated or did not like to disturb the Mayor.

1773. The Mayor was dining with the Prince?—I don't know whether he dined with him, but at all events he was in his company.

1774. To prevent confusion, may I ask—The firing you speak of in Butcherstreet, by the constabulary, is it to be distinguished from the firing by the constabulary afterwards in the Diamond?—Oh, yes, that was a previous matter—before I reached the men.

1775. Go on.—There was very great excitement, and from the appearance of the people—it is hard to explain—but from their appearance, and my long experience, I could almost tell that a row was likely to take place.

1776. Mr. Commissioner ENHAM.—Tell me, were your men attacked at Butcher's Gate?—They were attacked at Butcher's Gate.

1777. By what party?—By the "Beg side" party.

1778. Were that party trying to come in there into the town or not?—No, they seemed to have assembled—I did not see it—but according to information—it is merely from report.

1779. Was anyone shot by that firing that you know of?—No, not that I heard of.

1780. How many shots were fired?—I understood two shots were fired, but that I only have on information.

1781. Continue the narrative of what occurred?—Well, from what the Head Constable told me, he and other men urged me very much to go to the Mayor, and I at once went to him. I am sorry to say he is gone now.

1782. Mr. McLaughlin.—You are not going to say anything that will reflect on him in a way not to his credit. I will avoid using a word that anyone would not like to have said—there is no charge made against him?—I don't like to say anything in this case—if I am obliged to do it, I must, but I don't like it.

1783. I must trust to your own instinct and judgment, it is quite evident you are not an unfeeling man. Tell nothing but what is right—I will tell you nothing but what is the fact.

1784. Anything that can be avoided you need not tell?—It is already in evidence, therefore I need not scruple it—it was taken before him. I went to the hotel, and with great difficulty got access to the late Mayor. This was about a quarter past nine o'clock. I had very great difficulty in getting access to him; the hotel-keeper, who was a stranger, too great excitement in the place at the time, tried to oppose my seeing the Mayor. However, a waiter kindly went before me into the room and informed the Mayor. He came out immediately followed by a gentleman, I did not know

Forced to stay
August 21.
County
Inspector
Arthur
Walsby
Staffed.

FATHER DAY.
—
August 11.
—
County
Inspector
Arthur
Williamby
Stafford.

his name at the time, but afterwards he turned out to be Colonel Holmes of the Artillery.

1783. He had been stationed here as commanding officer. Well, I never saw him up to that day. He had been in Derry some time before, but I never saw him until I saw him on horseback when the Prince went into the carriage at the railway station. I told the Mayor the state of the town, and that I could not be responsible for the safety of either life or property if the military were not sent for. He tried to pass it off as a matter of no consequence; he did not seem to place any weight on it, and Colonel Holmes in an extraordinary manner said to me "Who are you?" I said I happened to be "the Constabulary officer in charge of the party that is here." Then, after using every effort I could with the Mayor to send for the military, and he declining to do so—I cannot give you his words, but he declined to do so—I told him I was not an alarmist, and that I believed it was absolutely necessary that the military should be sent for—

1784. At the moment the mayor was obviously under the impression that you over-estimated the danger?—Yes.

1787. The mayor thought the danger less, not having seen it?—Yes.

1788. And in consequence of that feeling and of the failure of your attempts to remove the feeling, the mayor, in the exercise of his discretion, declined to send for the military?—Yes.

1789. May I ask you whether the amount of alarm that was heaped upon Mr. O'Neill for sending for the military was not quite enough to deter any ordinary man from taking upon himself the individual responsibility of taking that step?—Well, I think it was.

1790. It is due to the late mayor to say that I—I have no doubt the hesitation of the mayor was due to the cause—most unjust, I call it—heaped on Mr. O'Neill. If I had had a magistrate to act as he did, that night, we would not have this inquiry.

1791. Mr. Commissioner MURPHY.—Where did you go then?—There were some young men in the hotel. They stopped me, of course, with respect to the aspect of affairs in the town, and they did not think—some of them so expressed it—that it was necessary to send for the military. I went down to my men where I had left them in charge of the head-constable, the next in command to myself, and there met them.

1792. Mr. McLaughlin.—Define the position the men were in when you left them in charge of the head-constable?—It was just at the Bishop's gate side of the Corporation Hall or entrance into the Round Room—the front door, not the side door.

1793. The door that looks towards Bishop's gate?—Yes. I there found Mr. Thompson.

1794. That gentleman was a city magistrate?—Yes. We had some conversation. I complained of the way I had been received and treated in the hotel, and that I could not get the military. He suggested that we should go back again, for he told me that several parties had asked him to send for the military.

1795. At the time you were engaged in the effort to get them?—Yes.

1796. You had not seen Mr. Thompson until you returned?—No. When he told me that I was then under the order of a magistrate, as I believed—

1797. The magistrate was Mr. Thompson?—Yes. I marched my men up to the hotel, and we saw the mayor again—Mr. Thompson and myself.

1798. Before you ascertained what took place between Mr. Thompson and yourself and the mayor, give the Commissioner an idea of the condition of the town as you observed it at that moment?—Well, there were a great many people in Bishop-street, there was a crowd in the Diamond, and on the wall a great number of people.

1799. That is down at Butcher's gate?—Butcher-street was perfectly clear of people.

1800. But they had assembled on the wall?—Not on the wall, but in the Diamond—that is, the Bog-side party.

1801. Mr. Commissioner EHRHART.—They were in the Diamond?—They were; in the Diamond, opposite to the end of Butcher-street.

1802. Mr. McLaughlin.—What party were those in Bishop-street, as contra-distinguished from the party in the Diamond?—They appeared to consist, as far as I can judge, of a mixture of both parties. I have hardly a doubt they were of both parties.

1803. But the proclamation, as far as you could judge, was in favour of what party?—Well, I could not say.

1804. Well, continue the narrative?—We got access to the mayor again. Mr. Thompson and myself urged on him the necessity of sending for the military, but he stated he did not like to disturb the Prince, and he hoped that matters would go on quietly. However, he did not send for the military.

1805. Fix the hour at which this was, as nearly as you can?—I think it was ten o'clock, or very close to ten o'clock at that time. Then Mr. Thompson said he and I would go down and do all we could to preserve the peace, and I marched the men back again to the Diamond, and halted them there, leaving them in charge of the head-constable, and Mr. Thompson and I went over to the crowd—that is, the Bog-side party—and we reconnoitred with them. We advised them to go home. Some of the parties addressed me by name. They said—"Mr. Stafford, we will go home if you get the other parties off the wall, for if we go down there we will be murdered."

1806. The Bog-side party in the Diamond in going home should necessarily pass through Butcher's gate?—I don't say necessarily, but that is the most direct road.

1807. And I believe the party on the top of Butcher's gate were slinging stones down at them?—Yes.

1808. And firing pistol shots?—It was stated—I know a person told me that pistol shots were being fired.

1809. What was the number of the Bog-side party as far as you could see in the Diamond?—From eighty to a hundred.

1810. You say that when you and Mr. Thompson went amongst them, and advised them to go home instead of remaining, there eighty or a hundred said they would not go, as the party on the wall or gate were stone-throwing at them—what did you then do?—Mr. Thompson said to me, "Come along, Mr. Stafford, and we will try to get them out of that," or "get them out of that." We left the men in charge of the head-constable, and Mr. Thompson and myself went down Butcher-street. There were no people in Butcher-street, not even close under the gate.

1811. But there were on the wall, on the top of the gate?—Yes.

1812. There is a highway over the top of the gate?—Yes.

1813. And it is an open arch?—Yes.

1814. At the top of the gate there is a railing?—I believe so—I am not sure.

1815. There is no doubt, there is; there is an iron railing over the arch, with barwork on each side; over the top of the gate there is a railing with a parapet on each side?—Well, I cannot positively say at this moment—I think there is no iron railing.

1816. Oh, there is?—I am not quite sure of it. I believe there is a railing of some kind. Well, when Mr. Thompson and myself were on our way down Butcher-street some persons, who, I cannot tell, met us, and said if we went down we would be murdered. That did not stop us, and we went on and turned into Meeting House-street or row, and got on a little beyond the first steps.

1817. Mr. Commissioner MURPHY.—You got on the wall at all events?—Yes.

1818. What occurred then?—There was a great crowd on the wall when we got there, and we heard glass breaking on each side. There were a few of the city police right on the top of the gate—on the

top of the arch. They appeared to me to be trying to keep the crowd up towards the Testimonial. Mr. Thompson and myself had not been there more than a few moments when we were joined by Mr. Ferguson, who also tried to assist in getting the parties to move away.

1813. Mr. McLaughlin.—To what party did those on the top of the gate belong?—Oh, the Apprentice Boy party. I saw one boy, I did not know who he was, a young boy, with a stone in his hand, and I attempted to catch hold of him; he dropped the stone and ran away. Then I kept in the rear of the parties, and when any remained behind we moved backwards and forwards along the wall until we got them all off up to the steps at the foot of Society-street, where the gun room was. There was one person, I did not know his name, with whom we had an altercation. He would not leave the steps until I threatened him. However, I believed all the parties had gone into the gun room, that was my belief, and I lost Mr. Thompson and Mr. Ferguson nearly opposite the Meetinghouse. I lost sight of them, and I am not sure that I saw Mr. Ferguson at all that night afterwards.

1820. Those who had been on the top of the gate went into the gun room?—I believed so. I believed that they had, and that I had everything settled for the night. I came down the wall again, and just as I turned Cunningham's corner into Butcher-street out of Meetinghouse-lane, I heard the report of a pistol. I believe it was a pistol from the report, and the glass of Cunningham's window was broken a short distance from my face. I heard the glass rattle; I drew back a little, stepped back a couple of steps, and got round the corner. At that time a great many people were at the end of Butcher-street, which was perfectly clear of people when Mr. Thompson and I had gone down. I called on them when I got into shelter to run away out of that or they would be shot; they then began to pelt me with stones, and I had to fly.

1821. Now this shot that you say struck the glass behind you, whose did it appear to come from?—I could not form an opinion.

1822. Could it be fired from Butcher-street?—I think it must be fired from the wall. The reason I think the glass rattled was this—that the pane of glass in the window had been previously broken, and then the ball struck some part of it, and that made the glass rattle, for the glass did rattle down.

1823. Then you think the shot was fired from the wall?—It is only a belief. I cannot go beyond belief, but that is my opinion.

1824. Mr. Commissioner MURPHY.—Where did you go to then?—I then turned back, and came along Meetinghouse-row, up Society street, and into Bishop-street. When I was nearly at the Meetinghouse I heard the discharge of firearms, and I could not tell where it came from. I merely heard the report. When I got into Bishop-street it was clear of people; there was hardly any one in view. As soon as I got down within about twenty or thirty yards of the Corporation Hall, I heard some person say that men had been shot, and that was the first I knew of it. When I came down to the end of Corporation Hall I saw a man lying on the flags perfectly still, and another writing backwards and forwards, and some of the city police alongside of him.

1825. Mr. Commissioner ERIKSEN.—Was that on Mr. Thompson's side of the Diamond?—No; on the left hand side of the door as you go in from Bishop-street. I afterwards learned who this man was by accident. There was no other wounded person in the street that I saw, and very few people—hardly anyone. My anxiety was to know what had occurred to my men, and I went on without making any inquiry about the man who had been wounded. I heard he had been wounded; and I went on in search of my men and found them in the Diamond.

1826. On which side of the Diamond?—On the Butcher-street side of the Diamond.

1827. That is the left hand side as you go down?—Yes. I then ascertained what had taken place, and that persons had been shot.

1828. I believe after that there was no further disturbance?—Oh, no. The town was quiet that night. I never saw it quieter in my life. I don't know where the people went to.

1829. Mr. McLaughlin.—You mentioned some time ago young men you had spoken to in the Imperial Hotel after you saw the mayor, and who seemed to be under the impression rightly or wrongly that the military were not necessary?—Yes; that was the impression.

1830. Without mentioning any names or giving any identification of that sort, could you say generally what party these young men belonged to?—I do not know that they belonged to any party at all; I don't think they did.

1831. I assume they were gentlemen of position?—One of them was—indeed all.

1832. There were no Catholics amongst them, were there, as far as you know?—I am not able to answer that question.

1833. Mr. Commissioner ERIKSEN.—What you say is that they were not party men at all events?—No.

1834. Mr. McLaughlin.—Was your attention called to any coping stone at the top of the wall over Butcher's gate—a stone that had been loosened?—Oh, I saw a coping stone that had been displaced.

1835. You saw a coping stone that had been displaced?—Yes, but that was not an unusual thing, for a stone was thrown before off that wall, when a crowd of people were underneath, and an old woman was nearly killed. I cannot give you the date, but I knew such was the case.

1836. The stone I mean is at the side of the top of the gate, next Magazine-street; it projects a little forward, something like the despatch-box on the bench—was your attention called to that stone?—I don't know that your attention was called particularly to it, but the stone had been stuffed, I think.

1837. It was on the night of the 9th of February?—Yes. I think one of the city police drew my attention, but I cannot say it was to this particular stone.

1838. The particular stone I mean projects a little over the parapet, just as that despatch-box on the bench. Was your attention called to that stone?—Not particularly, but I saw that it had been loosened—that the mortar had been loosened.

1839. The other stone you have been mentioning where was it?—It was higher up near the Testimonial, a good way higher up.

1840. I suppose in the line of direction a body of men would probably take if refused admission into Bishop-street—they went down Long Tower, at the back of Naylor's-row, towards the Bog-side district?—That would be their direct way, but they could go another road.

1841. Mr. Commissioner ERIKSEN.—When was your attention called to that stone at all?—It was after the night of the torch-light procession.

1842. Was it the same day or night?—As far as my recollection serves me, it was that night.

1843. Mr. McLaughlin.—Was not public attention called by the newspapers to the fact that a huge stone had been loosened from the mortar for the purpose of hurling it down upon the people passing?—Well, indeed, I do not read the newspapers very much.

1844. Do you remember seeing any cannon that night?—Which night?

1845. Any night?—Oh, indeed I do.

1846. When did you first see any cannon bands or outside of the house?—At night.

1847. Yes?—I never saw them in the street at night.

1848. Did you see cannon?—I did.

1849. When?—I saw cannon at the time of the election—in the gun-room.

1850. That is the old coach-factory?—Yes.

1851. That was the gun-room of the Apprentice Boys?—Not answered.

FOURTH DAY
August 21.
—
Counsellor
Inspector
Arthur
Willschlag
Baird.

FORREST BROS.
August 31.
County
Inspector
Arriver
W. Loughlin
Belfast.

1852 Mr. Commissioner MURPHY.—Do you know whether they were loaded or not?—I had no way of judging but this—the parties were anxious to bring out the cannon, and there were men behind the cannon, as if ready to fire it, and others kindly withdrew me from before the cannon, where I stood, to prevent it being brought out, but I should be injured. That is the only reason I have for believing it was loaded, they told me it was loaded, in fact, I think—

1853 Mr. McLaughlin.—Could you fix by your memory the time, the day, the hour—or either one or other as near as you can go—at which this happened?—I think it was on the night of Mr. Devine's return, the first time; I believe that was the night, but I am not quite positive.

1854 Could you gather from what was said, or from what you observed yourself, whether it was intended to fire those cannon against anybody?—I know it was the time of the election, for this reason, that Captain Black, the resident magistrate, was with me.

1855 The night of the first tar barrel?—Yes; it was that night—I believe it was that night.

1856 Mr. Commissioner MURPHY.—Did anybody tell you it was intended to fire the cannon at any other persons?—They told me the guns were loaded, and a great number were for bringing them out.

1857 Mr. Commissioner ENHAM.—To do what?—To fire on the opposite party.

1858 To fire on the opposite party?—Oh, yes; there is no doubt about it.

1859 Did you understand that they were loaded with shot, or shell, or merely powder?—I understood them to be loaded, I believed so. I must believe so from what I saw—I gave you my belief—they were loaded, I think, with powdered gun, I saw them broken on the face.

1860 Mr. McLaughlin.—Did you not in the discharge of your duty do everything you could, and successfully, to dissuade and prevent them from bringing out those pieces of artillery that night?—I did, and was much obliged to those that assisted me in preventing it.

1861 You were assisted?—They had so much confidence in me that they were guided by me, and I was assisted by those who seemed to have control. The greater number were considerably the worse of drink; those were the parties anxious to bring out the guns, not the sober.

1862 Those that were considerably the worse of drink were the parties who were anxious to bring out the guns, the others who were less drunk, and had influence, used it successfully with you to keep them in?—Yes.

1863 Mr. Commissioner ENHAM.—Was Captain Black, the resident magistrate, by whom you were informed that those pieces were loaded, and that people were for bringing them out and firing them?—Captain Black, perhaps, did not hear the observation, he may not have heard it.

1864 But did you hear it?—Oh, yes, it was used to myself.

1865 Well, I want to know this, considering the force you had in town at the time, did you not think it your duty to take some precautions, such as placing police or some other force to see that no use was made of those pieces of cannon, that night?—Oh, we took every precaution—we kept patrols in the street.

1866 But to take possession, and ascertain the fact?—Did you not think it would be a very material thing to have tried the guns by the ramrod, and to take measures to prevent the possibility of their being discharged if they were loaded?—Well, that perhaps was not my duty. I was acting under orders.

1867 But you were not sure that Captain Black heard it. Did you not think it was your duty instantly to communicate with the resident magistrate, and ask him what ought to be done with respect to those pieces of cannon—whether they should not be taken possession of?—I did not do so. I may have tried in it; but I did not do so.

1868 Mr. McLaughlin.—Did you believe if you attempted to take possession of those cannon you would have been assisted or prevented by the local authorities from taking them?—Not answered.

1869 Mr. Commissioner ENHAM.—He had three resident magistrates, a large police force, two troops of Lancers and other military.

1870 Mr. McLaughlin.—You were under the command of somebody else?—Yes.

1871 Mr. Commissioner ENHAM.—You had with you, on the occasion, a resident magistrate?—Yes.

1872 And there were three others in town?—Two others.

1873 And, I suppose, the County Inspector also?—He was not there.

1874 And no precautions were taken by you or anybody else to ascertain the fact whether the guns were loaded or not, and if they were loaded to take possession of them?—No, not any.

1875 Mr. McLaughlin.—Did you see them more than once—those cannon?—I saw them repeatedly in the streets.

1876 But did you see them in the gun-room more than once?—Well, I am not sure. I may have seen them a second time, but I am not positive.

1877 Did you see more than one cannon on the occasion you believe they were loaded?—On the first occasion.

1878 When this occurred, that you have told us of, did you see more than one cannon?—Oh, yes, I saw, I suppose, fourteen or fifteen, there was a dozen at all events.

1879 A dozen at all events?—Or, possibly, fourteen or fifteen.

1880 In the same apartment that night?—Yes.

1881 How many men seemed to be there?—I could not tell you. I think there were men up stairs that I did not see at all.

1882 Were all the cannon ranged at the level?—I don't understand.

1883 Were all the cannon in a tier standing alone—were they all standing in a row with their muzzles the one way?—I cannot positively say that. I do not think they were.

1884 Did you ever see it stated in the newspapers—and was the attention of the authorities called to it—that a portion of the cannon were so placed as to command the wall, while for a higher level a portion of the cannon were stationed upstairs?—Not answered.

1885 Mr. Commissioner ENHAM.—Now you say, as I understood, that those cannon were on the ground floor?—Yes.

1886 On carriages?—Yes.

1887 And all in a row as you say?—Most of them were in a row.

1888 Some of them were not—and there was a number of drunken people about you say?—Yes.

1889 About how many were in that room?—I could not say—I suppose twenty or thirty at a time, or may be more—they were coming and going. I could not exactly say the number. I did not see the parties.

1890 About how many did you observe drunk at the time?—I suppose a dozen or so—about twelve.

1891 How long did you remain there?—I remained there until I got a guarantee that the cannon would not be brought out.

1892 A guarantee from the drunken men?—No, no.

1893 From whom else?—From the sober ones—who gave me all the assistance they could in preventing the guns being brought out.

1894 They gave you that guarantee?—Yes.

1895 About how long were you in the room?—I was in the room I suppose about ten minutes.

1896 Was Captain Black there all the time?—I believe he was.

1897 Am I to understand then that you left those drunken people behind, taking the guarantee of the others, and you being under the belief that those guns were loaded, or some of them—one or more than one,

was loaded with pieces of pounded or broken crockery?—That is merely my belief from what I saw in the place.

1898. And no precautions were taken to take possession of them?—No.

1899. Or against their being used by the drunken men afterwards if they chose?—Well, we placed confidence in the police, and they did not break that confidence.

1900. It was very fortunate they did not?—We had them under our eye if such a thing was likely to take place.

1901. You received the Prince on the day of his arrival?—Yes.

1902. And this band was down there?—No, I did not see the band.

1903. At what time first did you see that flag—the white flag with the harp without the crown?—It was about four o'clock I should think.

1904. How long were you looking at it?—Not very long, for it passed down the street.

1905. May I ask you this—did you think it any part of your duty, when the son of our Sovereign was in the city, to interfere with any one carrying such a flag about the streets?—No, I did not.

1906. You thought it was nothing wrong or improper?—No.

1907. To carry in procession, on an occasion of that kind, a flag with a harp and no crown, and a wreath of shamrocks around it?—Well, I did not attach any consequence at that time to it.

1908. You did not think the carrying of such a flag was calculated to give offence to people who entertain very strong feelings with respect to the crown—to the sovereignty of the realm?—I knew that from seeing the same flag before.

1909. You knew that there did exist an angry feeling?—I did.

1910. And you did not think it right to take any precautions to prevent that flag being carried about, particularly on such an occasion as the son of the sovereign being here?—No, I did not take any precautions—I had no fears.

1911. You did not apply to a magistrate, or to any body else to prevent it?—I had not a magistrate to apply to—the only magistrate I saw there was the late Mayor.

1912. Now about the police, who has the power of removing the men within the County?—The County Inspector.

1913. From one district to another within the county?—Yes.

1914. Supposing men are to be removed out of a county, who has the power to remove?—The Inspector-General.

1915. It was stated to us that two men who gave evidence against the Apprentice Boys—Sarraghan and Reilly—were sent away. Is there any foundation for such a charge?—No; Sarraghan was transferred to fill a vacancy, and he was afterwards re-transferred here.

1916. Sarraghan you say was removed to fill a temporary vacancy?—Yes.

1917. And was transferred back again—to what district was he removed?—Seven miles.

1918. And this was done by the County Inspector in the usual way?—Just in the same way as any other man was removed.

1919. How long was he at the station seven miles out of town?—I cannot give you the date—it was a considerable time after this occurrence he was removed.

1920. And was Reilly moved in the same way—it being usual and necessary from time to time for the County Inspector to move men from district to district?—Yes; it is quite usual and necessary to do it.

1921. And, so far as you know or believe, there is no foundation for the statement that either of the men was removed in consequence of the desire of any person or persons, or because they gave evidence?—None that I am aware of. About the time the men were transferred, or at least Sarraghan was transferred, there was a great deal of writing about it in the papers.

Of course the County Inspector took no notice of it, nor did I.

1922. But, as far as you know, it was no act of the Lord Lieutenant of the day, nor of any one else making use of the Inspector-General's name?—He had nothing to do with it that I am aware of.

1923. As far as you know, there was no interference on the part of the Lord Lieutenant or anybody else?—Not the slightest.

1924. And those men were removed in the ordinary course of duty by the County Inspector?—In the ordinary course. The County Inspector is often obliged to do it.

1925. You have had, you told us, a good deal of experience. Now, in your opinion, for the population and district of Londonderry comprised within the parliamentary and municipal boundary, to be watched and guarded, what force?—I don't ask you whether they should be constabulary—but what force do you think would be sufficient to duly protect the public peace?—I would wish to ask a question. Do you mean watched at Belfast is—in the same way.

1926. To guard the public peace and protect it, by day and by night—to do the same duty that is now done in Belfast by the constabulary—what number of constables would be necessary to do the duties as efficiently as they are done by the constabulary in any other town in Ireland?—I should say 100 men.

1927. One hundred men?—Yes, one hundred. Taking into account the casualties of sick men and men off duty, less than 100 would not be sufficient. When I first came here fewer men would do, but as matters are now we could not do with less.

1928. Of that force how many should be mounted men, or would it be necessary to have any mounted men?—Well, I think there should be one extra mounted man; that is three for the force. One hundred men should at least have two officers, and each officer has a mounted man.

1929. We believe, according to the rules of the force, there should be four mounted men. Well, having regard to that change, independent of anything else, I presume you think it desirable that a resident magistrate should be always near at hand to look after that force?—Unquestionably.

1930. And according to your knowledge and experience, do you think one magistrate would be enough?—Well, I think it would be better to have two. The population has increased even since I came here, and if I may judge from the buildings, it is likely to increase.

1931. I am not quite sure I am speaking correctly, but in Cork, which has a population of 80,000, I think there is but one resident magistrate. There are two at present, but that is from peculiar circumstances. I think there is only one permanently there. Well, having regard to the fact that there are but two in Belfast, which has a population of something like 120,000, and a police force of 1,650 men, don't you think one stipendiary magistrate would be quite sufficient in Londonderry? Supposing the population had increased to only 25,000, one might do, but when there are so many local magistrates, I think it would be better to have two. It would depend entirely on how matters would go on here.

1932. If there was confidence in one magistrate, so far as his duties were concerned, and looking after the police force, and being present on the spot for his magistratal functions, you think one would be quite enough, but you think greater confidence would be felt on the part of at least a portion of the population if there were two?—I do; that is my belief.

1933. Mr. McLaughlin (by permission of the Commissioners)—Do you know whether or not any pistol shots were fired on the night of the 28th of April at the Hillsboro Plate Road, in the evening about eight o'clock?—I am not able to speak of my own knowledge, but I could give you evidence to that effect. I knew that a person was wounded on the occasion. I can name him. The man that was

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wounded was named Bryson, of Waterlids. Another man named, I think, Killean, about the same period was wounded in the shoulder.

1934. Mr. Commissioner ENHAM.—Was there firing at the Waterlids also?—No; this man resided there.

1935. Mr. McLaughlin.—Did you hear in the ordinary way that the Hibernia Music Band, about eight o'clock in the evening, appeared before the Imperial Hotel and performed the National Anthem in honour of the Prince?—I heard that they did play, but I did not hear what time I did not hear it in the crowd.

1936. Mr. Commissioner ENHAM.—We have heard it already stated that they played Patrick's Day and the National Anthem?—I did not know the names of the tunes they played when going down the street.

1937. Mr. McLaughlin.—One other question I have to ask you, one entirely away from this transaction. Is it this—whether or not a good deal of public feeling and excitement existed when it was proposed to raise the body of Murphy a second time?—Very great; so much so, that a deputation waited on me and stated that they—

1938. It was simply as to the state of public feeling I ask you. Was it greatly compensated by that?—It was, but only in this way—as to the exhuming of the body. The people were perfectly satisfied that the inquest should be conducted in the usual way as the jury had been sworn and the witnesses—

1939. It was only as to the taking up of the body?—It was only as to the exhuming of the body.

FIFTH DAY.

MONDAY, AUGUST 23, 1869.

The Commissioners sat at 11 o'clock.

County Inspector Arthur Willsoughby Stafford was recalled and said—

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—
August 23.
—
County
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Arthur
Willsoughby
Stafford.

There is something I wish to explain, and it is with reference to two points on which I was examined on Saturday. In the first place, with regard to the occurrence of the night of the 30th of November, at the gun-room of the Apprentice Boys, I perhaps did not explain sufficiently on Saturday, and I wish to explain further in the matter, that a message came to me to the Corporation Hall, where I was with the force that was there for the preservation of the peace. I cannot tell you at present who brought the message, but at all events the message was, that an attack had been made on the gun-room. I immediately went there with Captain Shuck, and as I told you, there was great excitement amongst the parties, and some of them, as I before stated, were under the influence of drink. However, with what Captain Shuck said to them, and also with what I said, Mr. Ferguson and others gave as a sort of guarantee or rather a promise, that they would send the parties all to their homes if we became responsible for the safety of the place. That was stated that we would be, and the parties in small numbers left the place. I believe there were not more than two or three men during the night in the place, or I think not more than half a dozen if there were so many. I kept a force of constabulary in charge of the place for two purposes, first, for the purpose of preventing the guns being brought out, and secondly, for the purpose of preventing an attack upon the place. That is the simple explanation I wish to give of the matter, but I was so misinformed on Saturday that really it escaped my recollection.

1940. Mr. Commissioner ENHAM.—Then I presume that you say you left a proper force there to see that no attack was made on it?—I did. I left the guns safe. I merely stated to you on Saturday that parties were kept up.

1941. Then, in point of fact, you did a wise thing—you left a force there not only to protect the place from being attacked, but to prevent the guns from

1940. Are you of opinion from your knowledge of Derry that arms are extensively in the hands of the Derry people notwithstanding the proclamation?—Indeed I am.

1941. You are?—Indeed I am.

1942. Did you hear the evidence of Mr. McGearty?—I did, and I believe it; and I can corroborate it further in this, that before the election there was a constant firing both on Sunday and Monday kept up in the Bog-side district.

1943. Mr. Commissioner ENHAM.—I believe there is nothing else to be asked of Mr. Stafford.

1944. Witness.—I wish to say this. Fault has been found with me for leaving my men on that unfortunate evening—the 28th of April. I desire to state that I was there with the head-constable, and he was second in command to myself. I was not placed exactly in charge, for I had to move here and there where I found my services were most required to preserve order, and I left the man in charge—the only man I could leave—as I could not send him to do the duty I had to do. As fault has been found with me in consequence of that, I wish to explain the matter to the Commissioners.

1945. Mr. Commissioner ENHAM.—I suppose when Mr. Thompson went with you to speak to the Mayor he felt some delicacy in ordering out the military on his own authority when the Mayor thought it was not necessary?—Oh, I am sure he did.

The Court then adjourned till the following morning.

being brought out. You left them as safe as you could?—Exactly; and there is another matter with respect to the observations you made in reference to the white flag going down the street. I did not like to enter upon that, from the fact of the thing having been witnessed by the Mayor himself, and therefore when he gave me no instructions on the subject I did not interfere in the matter. Further, the military had left the barracks, the moment the Prince left the Corporation Hall the military returned to their barracks, and even if the Mayor were not there, with the small force that I had under my command at the time, I would not have ventured on stopping the parties. That is the simple explanation that I wished to give; and if there is any other question I shall be happy to answer it.

1946. Now, as you are here, I wish to ask you about one or two other matters; do you know anything of an occurrence taking place on the 26th of December last?—Oh, I do.

1947. The night after Christmas night?—On Stephen's Day.

1948. Did you hear, or are you aware, that that same flag was carried through the town on that night?—In the afternoon it was.

1949. That same flag?—That same flag.

1950. And the band playing?—And the band playing.

1951. Are you aware, or is it a fact, that a very large crowd was following that crowd and that flag?—It is true, and I may just tell you the circumstance. I did not expect anything, and I was attending to my official duty in my office, when one of the city constables informed me that this band had passed over the bridge, and that some parties had been assaulted. I mustered all the force I could, and at that time the parties had gone to the Waterlids, and stopped in a public-house.

1952. Then are you aware, or is it the fact, that that band—that the parties in procession in that band

—assaulted the toll-keepers on the bridge; do you know of that?—Assaults were committed, sir—

1958. Were you present?—And the mail-car driver—

1959. Were you at the police-office when parties were summoned for that?—I was; but I forget at this moment the result.

1960. But you are aware that they were summoned for it?—I was. There was very great excitement, and I met the parties—that is a day when the parties in this neighbourhood assume themselves in shooting-matches at a mark; and there was very great excitement indeed.

1961. Did you yourself hear shots fired from that party, from that crowd?—I did, sir, from that crowd, and further than that—a man was arrested with a pistol in William-street, where he fired it; it was within a very short distance of myself. I met the band at the opposite side of the bridge, at the Water-side end of the bridge, and there I communicated with those parties, and requested them to either give me the flag, and I would take care of it for them, or otherwise to put it in the public-house where they had stopped. Some were willing to do so, and others were not. However, they failed the flag, and they crossed the bridge. There was a good deal of struggling about it to try and keep them back, but they went on, and I accompanied them through Boyle-street and through Waterloo-place, and Shipway-place, and into William-street, and up to Ashley-street, where I saw the flag put up where I believe it is kept.

1962. Now, where were the shots fired that night?—Oh, it was not in the night at all, sir; it was in the afternoon.

1963. Where were the shots fired?—There were shots fired on the bridge.

1964. And from that crowd?—And from that crowd.

1965. Were there many?—Well, I think I heard some four or five; they were pistol shots.

1966. Mr. Commissioner MURPHY.—From what you heard on that occasion from the city police, I suppose you were apprehensive of a disturbance taking place?—Oh, yes, I was indeed; and from remarks that had been made to me. In point of fact, parties told me that they would attack the band if they played party tunes.

1967. You apprehended a serious collision, in fact, from the manifestations of that day?—That I did, indeed.

1968. And you did, as you say, very properly, all you could to prevent it?—Well, although I say it myself, I think I had a good deal of influence with the parties, and they were guided in a great measure by what I said.

1969. Mr. Commissioner ECHAN.—Did you hear party tunes played?—I did not hear party tunes played; at least, if they were party tunes I did not know them.

1970. Do you recollect the 13th of July of last year?—No; I recollect the 13th.

1971. The 13th was on a Sunday?—It was.

1972. Was there a crowd in town that day?—I was out in the country, but there was some noting in the afternoon. I was out in the country, in a place called the Muff Glen, till late in the evening.

1973. Was there a crowd in the Muff Glen that day?—Yes.

1974. What party was passing through the Muff Glen that day?—The Orange or Protestant party was to pass through it, and the others had taken up a position near what is called Tannagh-bridge to oppose that purpose, and a very formidable position they had taken up.

1975. Will you tell me how many there were in that position ready to oppose the Orange party?—Well, I am not able to tell you that, because they were scattered about, and concealed behind the ditches.

1976. But, as far as you could judge from what you saw, was there a large number?—Oh, there was, I suppose, about 500.

1977. As far as you could see?—Oh, yes; they were

broken up in small parties at the time, and scattered over the mountains.

1978. Were they armed?—Oh, they were; both parties were armed with every weapon that they could collect and muster, some with rapping hooks, some with pieces of scythes, others with guns and pistols.

1979. And I suppose the Orangemen numbered a large party too?—Well, at first they did, when I first met them, but they were greatly diminished from the persuasion of their friends; it was only slingers, or principally slingers, that persisted in going down the glen—parties as far as I could observe from the county of Tyrone.

1980. Now, on your return that evening from your duty at the Muff Glen, from reports made to you, can you say whether there was any disturbance in the city that day?—There was some rioting, but there was nothing very serious.

1981. Were parties arrested for their conduct in town, and returned for trial to the assizes?—I am not quite positive of that, I rather think not, but I know there were some parties prosecuted, I am not quite aware of the result, but I can get that information for you if you like.

1982. Mr. Commissioner MURPHY.—When you went to the Muff Glen that day, what force had you under your control?—Indeed I had only fifteen men and did not expect anything at all. From all the inquiries that I could make I did not expect anything. All I had was about fifteen men.

1983. To what hour did you remain there; did you remain till the procession had passed away, such as it was?—Till the danger had passed away. With the small force that I had we were obliged—Mr. Finnanville, the late resident magistrate, joined me on the road, and he was in very delicate health—we had to contend the road with the Orange party for fully a mile. I took them several times with my horse. There was one man carrying a flag, and he used to drop the flag into my horse's face, and he nearly put me over the bog road fence.

1984. Those were the Orange party?—Yes; and we had to contend the road with them for fully a mile, to try and dissuade them from going on. We broke them several times and put them into the bog, but they refused on the road and went on again.

1985. Mr. Commissioner ECHAN.—They would have had to pass this Glen to where they were going?—Yes.

1986. Mr. Commissioner MURPHY.—The Orange party was armed?—Oh, yes; with every weapon they could muster. It was a most mercurial thing they did not go on, because I believe the loss of life would have been very serious.

1987. Mr. M'Loughlin.—I believe, with reference to one or two of the questions put to you by Mr. Commissioner ECHAN, that Muff Glen is inhabited almost exclusively by Catholics?—Well, principally it is, not exclusively so; but the great majority of the people there are Catholics.

1988. And whenever the people of the Muff Glen did, they simply did it to prevent the others going through there?—Oh, yes, that was the object; it was to prevent them going through; it is a disputed place.

1989. Is there not a bridge, called Tannagh-bridge, which marks the theological boundary of the district?—Yes, I believe so.

1990. And the Muff Glen people were on their own side?—Yes, they did not come forward to meet the other parties.

1991. Now, did ever you know the Muff Glen people coming in here on the 17th of March to make a procession in Derry?—No, I never did know of them coming in here at that or any other period since I took charge of the district.

1992. Was it four years you said you were stationed in Derry?—Yes; I am four years past, in June.

1993. Now, with reference to your experience of the last twelve months as compared with your experience of the prior three years, did you notice an unusual increase of persons from the county to take part in the processions of the 12th of August and 18th of Decem-

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her lately?—Yes, I have; and it is my belief, though I cannot go further than belief—that they would not have given offence to the Roman Catholic parties if the anniversary had been celebrated in the usual form by the people—the Apprentice Boys—alone. I believe that the first thing that excited these disturbances was persons coming from Belfast and other parts of the country, who gave the thing a party colouring. These are my own views.

1991. Mr. Commissioner MURPHY.—You think that lately they have acquired a more distinctive party colouring, as you term it, than they had previously?—Yes; that is my belief.

1992. Mr. McLaughlin.—Some of the people come from Coleraine, I believe?—Oh, I do not know where they come from; but multitudes did come here, and I believe that was the first thing that seemed to irritate the Derry people.

1993. Now, how far would you carry that back?—I think for the last two years, but it has been gradually getting worse. At first, when I came here, I had not to bring in an extra force except my own district force; but lately on the occasion of these occurrences, we were obliged to assemble a large force here for the preservation of the peace.

1994. Mr. McLaughlin.—As you have been kind enough to compare the feeling of the Catholics, as far as you know lately, in consequence of the celebration of those anniversaries by the route celebrations, with the feeling of the Catholics prior to that time, may I ask you whether or not you think to convey simply that the feeling of the Catholics is getting stronger since?—Yes, I believe it is; they are opposed to the other parties coming here from a distance.

1995. I suppose it would be more affection for me to ask you whether, before this, Catholics would not rather that these displays had not been at all?—Well, I did not know very much about them till the disturbances commenced.

1996. Then, you know nothing about a procession in which a great number of Catholics came forward and swore to their ideal about it?—No, I do not.

1997. It was before your time?—It must have been before my time.

1998. Yes, it was; I was examined myself in the case?—That must have been upwards of four years ago.

1999. Oh, indeed it was—a good while before that. Now, with reference to the matter with respect to which you have been examined by Mr. Commissioner Egan, the matter of the 26th of December, Stephen's Day?—Yes.

2000. Now, the peculiarity of the people here is to arm themselves on that day by firing shots?—Yes, and it is a very dangerous amusement.

2001. Is not it firing far gone at bottles—is not that the usual way?—I believe it is far gone they fire, but it is not at bottles they fire. A glass is generally the prize.

2002. This flag that you saw taken out on the 26th of December, 1868, was the flag that you subsequently saw on the occasion of the Prince's visit—I believe it to be the same. It had all the appearance to me of being the same.

2003. Are you able to tell whether it was similar or not?—Exactly similar.

2004. How long from the time you saw the flag in the middle of the day—that was the only time you did see it?—That was the only time.

2005. How long from the time you saw the flag in the middle of the day of the 26th of April was it till there was any disturbance?—Oh, several hours.

2006. From the time you saw it, about two or three o'clock in the day, you were no disturbance till about nine o'clock at night?—There was no disturbance till about nine, as far as I could ascertain.

2007. You have described very properly the proceedings that you took on the 26th of December, when you apprehended a disturbance by reason of the Catholic party having gone out with this flag and band?—Yes; I know nothing of it till my attention was

called to it. I heard the band but I did not move out of my office, for it is a very usual thing to hear a band playing.

2008. A very dangerous thing?—Indeed it is.

2009. I suppose the danger would be increased by reason of Stephen's Day being always a holiday here?—Oh yes, because every person who can master arms on that day carries them.

2010. And I believe that the people are not quite so sober on that day as they usually are?—Well, indeed I did not observe any drunkenness—at least nothing extraordinary.

2011. Now I don't want any names, but certain persons there told you that if the persons with the white flag played party tunes, there would be bad work?—Yes, I was told that.

2012. I presume that information did not come to you from those who were identified in politics and religion with the processionists that day?—No, of course not.

2013. Then I suppose it was very much like the disclosure of a resolution on their part to prevent them if they played party tunes?—Well, a person mentioned it to me, and I dissuaded him. I did all I could to put such notions out of his head, and not to interfere with the parties, that so surely as they did, so surely they would get into difficulties.

2014. Then whoever communicated with you was one of those who determined to oppose them if they played party tunes?—Yes.

2015. And they played no party tunes as far as you knew?—Yes; I heard no party tunes played.

2016. May I ask you whether you saw the proceedings here on the 18th of December, 1868, eight days previously?—Yes, I did.

2017. The processionists on the 18th of December were the Apprentice Boys' party, of course?—Yes.

2018. And they had banners and music?—Yes.

2019. I think you said that you heard no party tunes on Stephen's Day?—No.

2020. Now did you or did you not hear any party tunes on the 18th of December?—Not in the street. I believe I did in the evening. I cannot speak positively; but I believe I did in the Corporation Hall. I believe I heard them.

2021. Then you were not out in the street?—I was inside.

2022. Then I suppose you would not be much surprised to find that there were some party tunes played on the 18th of December—that the Apprentice Boys did play some party tunes?—Oh, it might have been the case—not that I heard.

2023. I suppose I may ask you—there is no harm in asking you in that way—that if those people who were out on the 26th of December 1868, had attempted to play party tunes, you, very properly, knowing the danger of it, would have interfered to prevent them so far as you could?—Well, I would, but I had no force to make an arrest.

2024. So far as you could, I say?—Oh, yes; so far as I could I would have dissuaded them from doing it, so far as I could. I say that, and I say it with some satisfaction too, that I think they would have been guided by me—any that were not the worse of drink. Some of them were, and those that were the worse of drink were very troublesome, and those that were not were just the reverse.

2025. You have been attending this inquiry since you have been good enough to come down from Dublin?—I have. I may say I was hardly out of Court all the time, because I have been very anxious to get away.

2026. Were you present in Court when some testimony was given as to the Britannia Flute Band having played through the streets on Thursday evening last, playing "No Surrender" through the Diamond?—Well, I am not exactly sure that I was.

2027. I can tell you in the presence of the shorthand writers and of the Commissioners that that evidence was given?—Well, I am not quite sure. I did not hear the thing at all. Was it on Thursday?

2028. On Thursday night coming from the laying of the foundation of the Protestant Hall at Omagh—I know nothing of it myself. I am not able to say anything of it from my own knowledge.

2029. Any playing of party tunes would be more dangerous at night than in the day time—Unquestionably, every one knows that.

2030. And I suppose from the beginning of this Commission it would be likely to be so dangerous at any other time, having regard to the feeling excited by the occurrence—Indeed it would.

2031. Now having regard to the fact that that supposed playing of party tunes on the 25th of December 1895, on a holiday, in the middle of the day, would have been dangerous, do you think that the actual playing of party tunes, the King of all the tunes, "No Surrender," at ten o'clock at night, in the Diamond of Derry, on Thursday last, during the pendency of the Commission was dangerous?—I have no hesitation in saying it was, and very dangerous, in the present state of this city—and I speak entirely from my own knowledge and feeling.

2032. Do you know whether a large crowd assembled, cheering and hooting, accompanying those who were playing "No Surrender" through the streets?—I know nothing of it.

2033. It was sworn here. Now have you heard that any means were adopted by the authorities to prevent that display on Thursday night last?—No, I have not been in communication with them. I am not here on duty, except to attend this Court. Otherwise I should have been in the street.

2034. I think you said you were not a good judge of party tunes?—No, I did not say that; I know some of them.

2035. Do you know "No Surrender"?—I believe I do.

2036. It is the most difficult of all of them. Then you know the particular one to which I refer?—Yes.

2037. Mr. Commissioner EXHAM, with reference to the 25th of December, has also asked you whether, after the display at Muff Glen and changing the scene to Derry City, there was not some disturbance that evening, I believe there was?—Oh, there is no doubt there was. There was a good deal of rioting, but not anything very serious.

2038. But what rioting there was one night call a party riot?—Oh, no doubt of it. There is no doubt at all about it.

2039. I believe some portion of the riotous proceedings—I am speaking from what I have heard, not from what I have seen, because there was nothing before me.

2040. I believe some little matters that did occur that night were the subject of magisterial enquiry after that?—Yes, there were some cases before a magistrate.

2041. Can you change your memory on the moment just to say what was the most serious charge arising out of that night, or the most serious occurrence arising out of that night?—I regret to say that I cannot from memory tell.

2042. Do you remember a young man who was stabbed, or alleged he had been stabbed, by another person, who was in the employment of another person?—Well, that is too wide a question, for really there have been so many stabbings in Derry, unfortunately, that I cannot tell.

2043. Do you remember a young man of the name of Doherty, who alleged that he had been stabbed—and, I believe, as regards the physical puncture there is no doubt about it—who alleged that he had been stabbed by another person of the name of Doherty, who, although of the same name was of a different religion?—When was that?

2044. On the 28th of December?—Last.

2045. Last?—No; I think it was on the 13th of July.

2046. It was the 13th of July coming from Muff Glen?—This year?

2047. I am speaking of the coming from Muff Glen?—This year; yes.

2048. Now, kindly tell the Commissioners as far as you know?—Yes. I was present when the case was heard in the court. I was present, as I told you, on that day at the Muff Glen too; and the case, as I afterwards heard, was this, that the man was stabbed. First of all, there was a man—a blacksmith here that got a bad beating, and that appeared to me to be the first of this, and then there was a row in the Square, a man was stabbed, and it was alleged—I think there were two Dohertys as far as I recollect.

2049. Yes, John Doherty was the person accused?—Yes; and the case was heard by the magistrates, and it was dismissed.

2050. Yes, and it was dismissed?—Yes. I think, as far as I recollect, the resident magistrates were not satisfied with that decision; that, so far as I could ascertain, they were of opinion that the parties should have been sent forward for trial—this Doherty, the party who was charged with committing the assault.

2051. You mean the Doherty who was the apprentice or clerk of Mr. John Gray Ferguson, the greengrocer of the Apprentice Boys?—Yes, it was that one. The evidence was very conflicting indeed, but it seemed to me very strong. It struck me, if I may express an opinion, that it was a question entirely for a jury.

2052. And that was also, as I gather from you, the opinion of the resident magistrates?—Yes, as far as I could glean, that was the opinion of the two resident magistrates.

2053. And I believe it was on that occasion proved that Mr. Doherty, the named person, had some arms, as a matter of fact?—No, I think not. There was a knife with a broken blade found on his person.

2054. That is very like arms?—That is the only thing that I recollect.

2055. And the puncture in the body of the other man, the Catholic, had been made by a knife?—I don't think it was in the body he was stabbed.

2056. I mean the whole of his body from the top of his head to the sole of his foot?—Oh, there was one of the two received very rough treatment.

2057. And then you thinking it a question for a jury, and the resident magistrates also thinking it a question for a jury, the local magistrates thought it was a question for them, and so dismissed it?—Yes, and dismissed it.

2058. Mr. Commissioner MURPHY—I was going to ask you in reference to that procession of the 25th of December, or any of the other processions that have taken place in the last year, independently of the question whether or not those processions at particular times played party tunes or not, on the one side or the other, in your opinion, in consequence of the unhappy feeling of antagonism that has been generated within the last two years, that a procession of any one side, independently of the party tones, is looked on with jealousy by the other side?—Unquestionably.

2059. Looked on as offensive to them?—It is; and I have no hesitation whatever in saying that a procession on either side may end in a very serious riot and loss of life, owing to the present state of feeling in this country. I have no hesitation in saying that on either side it only wants a beginning, and when it gets that no one can say where it may end. Considering the length of time I was here with the few men I had, it is only wonderful that the thing did not break out sooner.

2060. You have stated to us already, when Mr. McLaughlin asked you with regard to what you did to prevent these processions, that you reconstrued with them, but you had not a sufficient force to make arrests?—Yes.

2061. In fact, if the apprehended consequences of the apprehended riots had arisen, you had not a sufficient force at your disposal to quell them?—Oh, not at all; and I would not oppose force to force unless I had a force that I was able to carry out my object with. I think it is bad policy to do so.

2062. Then it is your opinion, from what you have

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stated, that these bands should not be allowed to go at all through the streets, any band of any kind, except — Any kind except a military band.

2063. At present, in the present state of feeling of both parties — In the present state of feeling of both parties; and I believe there is not a man of any respectability in the town, of any persuasion, that will not agree with me in that opinion.

2064. I asked you on Saturday about the number of men that you thought necessary here. You told me about 150. I presume what you meant by that was this, that that force would be necessary at present on account of the state of excitement; not to keep it up; not that you think that ordinarily this town would require such a large force? — Well, if the town is put under the same rules as Belfast, and that there is only one force, I think it would require from 80 to 100 men as a permanent force, taking quarters into account.

2065. Mr. McLaughlin — This witness stated on

Saturday that he had heard the evidence of Mr. Andrew McCafferty with reference to the local feeling and the parties acting. Would you consider it desirable to ask this gentleman with reference to what he knows himself, or whether he believes it likely to be true that there is any attempt made by the opposite party to put down local celebrations physically?

2066. Mr. Commissioner MURPHY — You heard that statement of Mr. McCafferty with reference to the preparations that had been contemplated? — Well, I should not like to go just so far as he has gone, at the same time it is my belief that the parties would be opposed some day or other; that is my belief.

2067. In fact it is not contemplated preparations, but preparations were in point of fact made on the 12th of August confined to a particular district? — I heard it often before coming here; in fact I heard it in Dublin in a letter that came from Derry.

Mr. Michael
Doherty.

Mr. Michael Doherty examined by Mr. McLaughlin.

2068. You reside in Derry? — I do.

2069. You are a tobaccoist, I believe? — I am.

2070. And you carry on business in Ferry-quay-street, between the Diamond and Bishop-street? — Yes.

2071. And have you been long resident in Derry? — About thirteen years.

2072. And I believe you originally came from the county Donegal? — I did.

2073. Which supplies a considerable portion of the Derry population — the working population? — Yes.

2074. I believe you are a Liberal in politics and a Catholic in religion? — I am.

2075. Now, do you remember the night of Down's lecture, the 20th of July, 1868? — I do.

2076. Were you in Court when evidence was given that inspired the impression that there had been no breaking of windows till the night of Down's return? — I was not; I was not in Court at all till to-day.

2077. Now, the first disturbance, properly so called, that took place were those of the Co-operation Hall lecture? — Yes, I believe that.

2078. On that night did anything happen your windows? — I was from home. I left the very day of the evening that Mr. Down delivered his lecture, and when I returned two days afterwards my windows were all broken, or at least most of them were broken in Ferry-quay-street, and I was told when I came home that the breaking took place the night Down delivered his lecture.

2079. Now, do you know where the Standard's office is? — I do, well.

2080. That is next to where the convent is? — Yes, the very next door.

2081. Do you know of your own knowledge, or in the ordinary way, whether the windows were broken or not? — I do not know of my own knowledge, but I believe the windows were broken.

2082. This gentleman here [pointing to Mr. Macpherson] is proprietor of the Standard? — Yes.

2083. Do you know anything of the proceedings of the 28th of April? — I do not. I may say that I saw the Prince coming in, but that is all I saw. The first time I went out was when a man was passing on a stretcher round past the door.

2084. Have you from time to time seen those processions in Derry? — I have.

2085. On what days did you see them? — On the 12th of August and 18th of December generally.

2086. Did you see a great procession at the time of this Protestant meeting, as it is called here? — That is the last procession.

2087. No, the procession at the time of the meeting that was held up at the Asylum? — I did.

2088. Just describe to the Commissioners what sort of meeting that was as regards extent, manner of proceeding, description of banners, and music? — All I can say about it is, I was not at the meeting, but I

saw before the meeting took place a procession coming down the street with banners; they did not play at all. They went outside Ship Quay-gate and up along the Shankill-road, and then they played music, and they had drums, and they went up to the Park by the Asylum-road, and I was going in then.

2089. What colour were the flags, as far as you saw? — There was one, I think a blue flag, in the centre, with an orange and crimson flag with an open Bible upon it. I cannot describe the flags, but all the flags that the Apprentice Boys generally carry through the town.

2090. Can you tell the particular day that this was? — I believe it was the 9th, the date is fixed by the attack on Mr. Hampton? — I cannot tell you the date exactly.

2091. About how many were included in the procession? — Well, I could not judge of numbers, but from what I heard the people say, I believe there would be from 250 to 300 people in the procession, but there would be more at the Park.

2092. I suppose you are accustomed to do business extensively in town and the neighbourhood? — I am.

2093. Are you able to say from the appearance of those men whether they were townsmen or whether they were from a distance? — My belief is that the most of them had come from the country.

2094. There was no attempt made to prevent that, of course? — No, none, I was standing all the time.

2095. Can you tell what tunes they were playing? — No, they did not play any tunes when passing me, but they did after they passed away.

2096. Did you hear the band playing up coming from the railway station on Thursday night? — No; I did not see it passing up. I saw it going down in the morning.

2097. I believe it was not a party tune they were playing in the morning, because I saw it too, and heard them? — No, it was not.

2098. Now, may I go through the form of asking you, as a Catholic, whether those displays are regarded by the Catholics as insulting and offensive? — They are, every one of them.

2099. Is that your opinion, also? — It is my opinion, and I believe it is the opinion of every Catholic in Derry.

2100. I believe that feeling is not confined to the Catholics, as regards quiet and well-disposed people? — No, I believe it is not. The Protestants that I speak to I believe would prefer that they should not take place.

2101. Talking of Presbyterians, I may supply an omission I made when Mr. Bond was here, Mr. Robert Bond the Magistrate is a leading Presbyterian, I believe? — I believe he is, I do not know.

2102. There is no doubt of it. Now, do you think, judging from what you know of the excitement of this city and its neighbourhood that it endangers the

public peace to have any party processions or displays by any party—I do.

2103. Any party procession, out way or the other way?—Any party procession, one way or the other.

2104. And it endangers the peace of the town?—It does, every time it is done; even if they do not play party tunes any party who will go out with drums and fifes will endanger the peace of the town, whether they play party tunes or not.

2105. I may ask you whether you have any extensive acquaintance with the surrounding district, of which Derry is the centre?—I have, a very extensive acquaintance.

2106. You travel for your own horse?—I do, some times, sometimes I have a traveller.

2107. Have you a very extensive acquaintance with the county of Donegal?—I have, it is in it I do all my principal business.

2108. Were you in court when Mr. McCafferty swore that various people were organised to come in here on the 12th of August?—I was not in court.

2109. Do you know anything of that yourself?—I do.

2110. From what you know of the feeling of the people round about, do you think that the public peace is likely to be endangered by any processions in these displays?—I am almost certain that if these displays take place again, the public peace will be endangered by it. I know lots of people in Inishaven and Buncrana who are prepared to come up here if these displays take place at any time again.

2111. Do you know whether the population are extensively armed?—Well, I am informed that they are extensively armed, but I have no knowledge of it, except the knowledge that one firm in town purchased a large quantity of fire-arms and got them into this place, and whether they sold them afterwards or where they went to I know nothing about.

2112. Mr. Commissioner EHRAM.—Have you seen processions of the opposite party too, in town?—Well, I do not believe I have. The only time that ever I saw the Catholic party was the time that Prince Arthur came here. They played through the town before him when he came, and came down as far as the Corporation Hall after him.

2113. Did you not see this torchlight procession that we have heard of?—A torchlight procession? The Apprentice Boys had some two or three. I don't know.

2114. First of all, do you recollect last Saint Stephen's day?—I do not recollect anything concerning it. I do not know whether I was in town on Saint Stephen's day or not, but I have no recollection of it if I was.

2115. Do you recollect the night Mr. Dewar's return took place?—I do.

2116. Did you see any procession that night, or did you hear of any attacks made by his party, if we may call them so?—The night of the return I did not hear anything of a serious disturbance; but the night the petition was decided was the night that I recollect.

2117. Do you recollect the night that he was declared seated here?—I do.

2118. Did you see a procession that night?—I did not see the procession that night. I was out of town, and I came in about 10 o'clock.

2119. It was over then?—And the whole street was covered with stones, bricks, and things of that sort.

2120. I suppose you are of opinion that bands of any kind in the street are undesirable?—Indeed I am of that opinion, most decidedly.

2121. And I suppose this band that you heard playing this day when the Prince was there annoys the other side?—I do believe it does annoy the other side.

2122. Mr. McLaughlin.—And would you put down that as thoroughly as the other?—I would.

2123. Mr. Commissioner MURPHY.—In fact what is a perfectly innocent amusement at other times night in the present state of feeling produce serious riots?—Yes, and the band that created a riot the other day might not create a riot some years ago.

2124. Mr. Commissioner EHRAM.—Have you considered the question at all of the police force?—Well, I have.

2125. Then I wish to know is it your opinion that there is an alteration necessary in the constitution of that force?—It is my opinion.

2126. And that is a feeling shared in so far as you know by your fellow-citizens?—It is.

2127. Of all classes, can you say?—Well, I cannot say of all classes, but I know the class to which I belong are of opinion that they never get the same. When a row takes place in the street they are of opinion that if a Catholic and Protestant fall out in the street, the Catholic is invariably arrested, and the Protestant gets away. That is the opinion of the town, and it is so of all the people that I meet. And you are at every day even in the Mayor's Court.

2128. Then I want to know is it your opinion that that force should be a force of the Irish constabulary?—It is my opinion.

2129. And the establishment of such a force here would in your opinion tend towards preserving the public peace, and shaking out all disorder?—I believe it would do so, and create a great deal of confidence.

2130. And, so far as you know, all parties would have confidence in that force?—I believe so.

2131. Mr. Commissioner MURPHY.—You have stated that the feeling as to the necessity for alteration is very general among the class that you know best yourself?—Yes, I say so.

2132. But among the gentlemen that are in business in town, say of the Presbyterian class?—Well, the Presbyterian class, I believe, that is the liberal portion of them, share the same opinion as I do, for I meet these very often.

2133. Would you think that most persons who are concerned for the well being of the town entertain that opinion?—Well, I believe that the richest persons in the town would all coincide with me, because it creates rows often when one party is arrested, and the other party gets free, whereas if both were arrested it would prevent such from having a row the next time.

2134. Mr. Commissioner EHRAM.—Then I suppose you are of opinion that the inhabitants of this town would not have the slightest objection to pay the increased taxation that would be necessary to have a competent force of police to preserve the peace?—I could not tell that, but so far as I am concerned I would not have the slightest objection to pay it. I could not give anybody else's opinion but my own, but I believe that a great many others have the same opinion.

2135. Mr. McLaughlin.—Do you happen to know whether the members of the city police are not generally of the one persuasion?—Well, I do not know their religious persuasion, but I am told by those who do know them that they are principally either Protestants or Presbyterians.

2136. You mean by Protestants, Episcopalians?—I do.

2137. I believe the city police force generally come from the county of Derry side of the river?—Well, generally. They are generally people who come in here from the county Derry to the employment of some merchants in the town, and they get them appointed to the police force afterwards.

2138. And the district from which they come is not generally so Catholic as the county Donegal?—No, not so Catholic.

2139. Do you notice any Donegal men in the force?—Well, I never noticed a Donegal man in the force to my knowledge, in my life. There might be nevertheless.

2140. I suppose you know some of the more prominent members of the Apprentice Boys?—I do know some of the most prominent, but I do not know many of the Apprentice Boys.

2141. Do you know whether some of the most prominent members of the Apprentice Boys do not happen, as an accident, to be sons or cousins or brothers of

Form D-1
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Mr. Michael
Delaney.

Furn Dan.
—
August 29.
By Michael
Doherty.

were of the most prominent members of the city police?—I do not know how you ask me that question.

2143. Do you know whether the city police have not, some of them, their sons as Apprentice Boys?—Oh, I do know that.

2143. It is well known?—It is well known.

2144. It is not confined to one or two of the city police, but a great number of them?—Yes.

2145. From the highest to the lowest of them, I believe?—Yes.

2146. You have no monopoly of knowledge on that point—it is generally known?—No, I know less perhaps about the town than some of the other business people in it, but that is generally known by every person in the town.

2147. Would you regard that as a thing accounting for any absence of confidence on the part of the Catholic population in the city police?—Well, I do, and so would anybody think if they were composed of persons belonging to the Apprentice Boys.

2148. You were asked with regard to the partiality

of the police being evident when proceedings came before the magistrates; now do you consider your allegation of partiality to the police, or do you extend it to the magistrates?—Well, I confined it to the police. What I did say was this, that if a Catholic and what I would call a Protestant fell out, or two or three or four of them had a row on the street, generally in almost all cases the Catholics would be arrested and the Protestants would get away.

2149. As regards the magistrates would you rather be excused from giving an opinion?—Well, I would rather not give any opinion about the magistrates.

2150. Mr. Commissioner ECHAN.—When you were asked about the police being principally of the one side, did you ever know an instance of a man from Donegal applying to get into the police force and being refused?—I did not.

2151. Do you know who has the appointment?—I do not. I believe it is the Town Council, because they are in their pay.

James
MacPherson,
esq.

James MacPherson, esq., examined by Mr. McLaughlin.

2152. You have resided for very many years in Derry?—Yes; a good number.

2153. Twenty-five or thirty, I suppose?—Yes.

2154. And you are the proprietor of the *Londonderry Standard* newspaper?—Yes.

2155. I believe in politics you are a Liberal and in religion a Presbyterian?—Yes.

2156. Are the premises next door to your private residence the premises of the Roman Catholic convent?—Yes.

2157. In Pump-street?—In Pump-street.

2158. Do you remember the night of the 20th of July last year when the attack was made on the Corporation Hall?—I do.

2159. Do you remember anything happening to the windows of your premises that night?—Yes, they were broken on that night.

2160. Now, before that night on which they were so broken, had there been any breaking of windows inside the walls or outside the walls in connexion with the election, to your knowledge?—No, I think not; not that I recollect just now, before that night.

2161. Now, the Church of the Presbyterian Congregation to which you belong is, I believe, the First Presbyterian Church?—Yes.

2162. And it is situate inside the walls?—Yes.

2163. Being in Meetinghouse-row on the way opposite the wall between Rutchin's-gate and the end of Beauty-street?—Yes.

2164. I believe you are a member of the committee of that Church?—I was at that time.

2165. And then you know whether or not anything happened to the windows of that church that night?—Yes, a large number were broken.

2166. Do you happen to know, so far as you have means of forming an opinion, what side it was that broke them?—Oh, I really could not say, because it was a mystery. I might form my own opinion, but I would rather not give it.

2167. Now, your windows were only broken on the one occasion?—Yes, only the one occasion.

2168. Is it your opinion that it would tend to the peace of the city if all local displays were put an end to?—I think these displays with banners and flags and party tunes are exceedingly dangerous.

2169. And doubly dangerous in the present state of feeling?—Yes, they were not formerly so objectionable as they are now.

2170. I believe that there does exist a feeling of want of confidence, to put it gently, in the city police, as regards a large portion of the community?—Well, I think so.

2171. You do not confine your remarks to the Roman Catholics exclusively?—No, I have heard often that we might have a much more efficient force if the

constabulary were employed. I bring no charge, however, against any individual of the force.

2172. Or against the force itself. The public impression may be altogether wrong?—No, I think it is right. Of course when men are not drilled they cannot be such an efficient force as the constabulary.

2173. Now, is there that public confidence, so far as you know public feeling, and altogether abstracting from whether it is correct or incorrect—in there that confidence in the decisions of the magistrates either, in party questions, that a good citizen would desire?—Well, I would rather not answer that question. I have heard so much on both sides that I would rather not answer the question. I have not had any experience myself.

2174. Mr. Commissioner MURRAY.—You heard Captain Stafford saying that the feeling about the party displays has increased within the last two or three years, is that your opinion also?—Oh, decidedly yes.

2175. He stated that they had not been so dangerous or hurtful previously, but lately they had become a cause of greater apprehension?—Yes, decidedly.

2176. And that is within the last few years?—Decidedly, the last three or four or five years.

2177. And do you think the feeling has increased within the last year?—Yes, it has latterly. The fact is that the Apprentice Boys lately have all become political parties, Tones. They were not formerly so, what I call Tones in politics, and that is one reason I think.

2178. And that a greater feeling of antagonism has sprung up between the parties within the last year?—Decidedly so, the playing of party tunes has increased.

2179. Mr. Commissioner ECHAN.—I suppose there is a feeling also necessarily against the other side among the Apprentice Boys?—Oh, of course there is.

2180. And, then, you apply your observation as to bands to all sides equally?—I think they are equally dangerous.

2181. You ought, I think, to be very well able to give an opinion with regard to the inhabitants generally. As far as you know the citizens of Derry, they are all in favour of the constabulary?—Well, I should think so; I believe they are. I have never heard any other expression of opinion.

2182. And, then, that the defence would be better performed, and the public peace better preserved, by a regularly organized force such as they are?—Decidedly. That feeling has increased latterly in consequence of so much disturbance within the last two years—in fact it is looked upon now as absolutely necessary.

2183. Then, you would not think it in any way desirable to keep up—as far as you know that is the feeling—to keep up the local force at all, for city

purpose, of watching or anything else, as disconnected with the duties of the constabulary, more properly in protecting the public peace?—Oh, I would decidedly have the constabulary to discharge all the duties.

2184. Night watching and all the duties?—Night watching and all the duties; because it is principally by night that these dangerous displays occur.

2185. When I say night-watching I mean such as looking after the protection of houses from robbery or anything of that character?—I am aware of that.

2186. As far as you know the efficacy of Derry, is it your opinion that they would have no objection to pay an increased taxation that may be necessary for the getting of such a force?—Well, I do not like to answer for them all generally; but I do think that generally the great bulk of them would have no objection.

2187. That is, thinking men?—Men of property. I do not think they would. However, I would not answer for them. For my own part I would not have any objection.

2188. You yourself personally would not object?—No.

2189. And as far as you think and know, from your knowledge of others, they would not object?—I do not think they would.

2190. In regard of the increased security they would have for their property, and so on, they would not have any objection to pay their increased taxation?—Decidedly not.

2191. Have you ever considered, being a journalist here, the question respecting the extent of that force, from what you know of Derry?—Well, only from being in court lately, hearing the opinions of some parties here. My own opinion is that it would require at present not less than fifty to eighty men.

2192. There are, in fact, at present, over fifty here if you put both forces together?—Both together, but I am not sufficiently conversant with the matter to state the number that would be necessary.

2193. I suppose the force would probably require to be a little larger at first, and then, as things would quiet down, it might be reduced?—Yes.

2194. Is it your opinion that it would be desirable to have a resident magistrate always here?—I should say so; it would give confidence to the public, particularly to see that magistrates in charge of the constabulary and military.

2195. Have you considered at all whether it would be desirable to have at present more than one?—Well, I should think one would be sufficient, but in case of accidents another.

2196. But one always on the spot, resident within the municipal boundary?—Yes, and in charge of the police—the military duties I would say, particularly—to take charge of the military duties.

2197. Mr. McLaughlin. — With reference to the question of the magistracy, do you think that one stipendiary magistrate would be enough?—Well, two would be better, the only question is the expense. If the Government would pay for it, I should decidedly say two; but if the town were to pay for it there might be some grumbling at paying two.

2198. Supposing the question of expense were not involved in the matter at all, do you think that two, one being of one persuasion and another of another, would afford greater satisfaction and security?—Oh, I think so.

2199. Mr. Commissioner MURPHY.—They are not paid by the town or by any tax on the town—I should then decidedly say two, because we then should always have one present—one in attendance.

2200. Mr. Commissioner REIDAN.—Cork has only one, and other towns larger than this have only one?—But he might be seriously taken ill.

2201. Oh, in that case the Government would, of course, send one in place of him.

2202. Mr. McLaughlin. — Would you mean this resident magistrate to sit and deliberate with the other magistrates?—I should say so.

2203. And vote with the other magistrates?—I should say so.

2204. If you could have either of these two tribunals—either, the local magistrates sitting together and the stipendiary sitting and voting with them, the stipendiary just sitting and having a vote, or, on the other hand, a tribunal composed exclusively of stipendiary magistrates, which do you think would give the most public satisfaction as regards the decision of party questions and party cases?—Do you mean promiscuously?

2205. As regards party cases and party feeling?—Oh, as regards party feeling, I think there would be more confidence generally in the stipendiary magistrates—particularly on party questions.

Mr. Edward Lynch examined by Mr. McLaughlin.

2206. You belong to Derry?—Yes.

2207. And you have resided here for very many years?—I have.

2208. I believe you are extensively in business here in several capacities?—Well, I am, sometimes.

2209. Am I right in saying you are licensee of the public markets?—I am, and of the bridge.

2210. Are you licensee of the whole of the public markets?—No, only two.

2211. Those are the—?—The fair market and the corn market.

2212. Now, from the report that is in these markets and all that, I suppose you have very good means of knowing what is the public feeling?—In markets there is not much inquiry about public feeling, but I know a good deal of it through town.

2213. And you are also licensee of the bridge tolls?—Yes.

2214. And that I suppose gives you further opportunities of knowing public feeling?—Well, it does, sometimes.

2215. It is a great place for gossiping, the bridge-gate; I believe in politics you are liberal, and in religion a Catholic?—Yes.

2216. Now, were you in court when Mr. John O'Neill the magistrate was examined?—Part of the time—not all.

2217. Were you in court when Mr. Andrew

McCarthy was examined?—Well, I was in court part of the time.

2218. Would you be in favour of putting an end to local displays of any sect or party, and all acts and parties?—Well, I believe I would, and I think every well-thinking man in Derry would be the same.

2219. When you say you think every well-thinking man in Derry would be the same, I presume you do not confine your remarks to the well-thinking men of any one persuasion?—Indeed I do not. I know it is the curse of the town in every way you take it.

2220. When you say that it is the curse of the town in every way you take it, I should just like to hear you explain what you mean by that?—Well, I mean it is dangerous to both life and property, because I know myself that if ever there is another display in Derry it will not end as it did. I know that—I do—I have been told that; and I, for one, had to beg of them for God's sake on the 12th not to go on.

2221. You were one of those who wanted Mr. McCarthy and a number of other persons, lay and clerical, in preserving the peace on that occasion?—Indeed I did. I did all I could—urging them to wait till after the 12th, and see what the Government would do.

2222. Was it any imaginary danger that led you to do that, or did you see with your own eyes and know of anything being done to oppose those exhibitions?—I did.

Examined

August 25.

James

McLaughlin.

exq.

Mr. Edward

Lynch.

Forrester.
August 25,
Mr. Edward
Lynd.

2223. Just tell the Commissioners honestly, without mentioning names, what you know?—I know people were armed and prepared to meet them. I know that.

2224. How long have you been in Derry?—Well, I was born in it.

2225. Has it been a usual thing for the Catholics of Derry to be armed?—No, it has not.

2226. I believe until recently they had not any arms at all?—They had not—scarcely any.

2227. There were some arms on the other side, but they had none?—Yes.

2228. When you say that the Catholics were armed and prepared to meet them, do you confine your remarks to the city of Derry alone?—No, I knew them armed in the country, too, ready to come in and to assist. I know that.

2229. Now, to what districts, rural districts, as contradistinguished from the city does that last answer apply?—Both to the county of Derry and county of Donegal.

2230. I believe there is one part of the county of Derry that is very Protestant?—Oh, I do not know. I was never much in the county of Derry.

2231. To what part of the county of Derry do you apply your observation?—I mean to the Muff Glen.

2232. Looking towards the centre of the county?—Yes.

2233. Towards the Ballyvaughan, I suppose, and Dungiven?—Well, really, I do not know. I never put a foot that way at all.

2234. I suppose the portion of Donegal you refer to is Inishowen?—Yes.

2235. Now, are you one of those who agree in believing that if something is not done to prevent these displays there will be bad work?—I do, indeed.

2236. I suppose you mean that these will be an encounter between the parties and bloodshed?—Yes, I do, indeed; but I trust it will never happen.

2237. Do you believe or do you not believe, that suppose the next celebration came on, and that you and other persons, lay and clerical, did your best to prevent the Catholics from going out, you would be as successful as before?—I will never ask to prevent these again in my life, after what I said before, for I promised I would not. If they kept in on the 12th I said I would never ask to stop it again. I pledged myself.

2238. Was that because this Commission was to sit?—No, I said the Government.

2239. You would not be in favour of any turbulence if you could prevent it?—Indeed I would not.

2240. Either on the part of your party or any other party?—I should be very sorry to see any one hurt.

2241. But you think you would not be able to restrain them?—I do.

2242. Do you know whether there exists, rightly or wrongly, a feeling amongst the portion of the community that you are connected with, in favour of the city police or against them?—Well, I do not know, for my own part; I only hear people talking about them not doing their duty as they ought to do.

2243. I believe you, as licensee of the markets, are assisted occasionally by the city police in keeping order in the markets?—Yes, indeed they do it very well with me. I have no reason to say a word against the city police so far as I know them.

2244. As far as the work they do in conjunction with you, as licensee of the market, you have nothing to say against them?—No, not a bit.

2245. I believe they generally belong to the one persuasion?—Well, I believe they do.

2246. You have opportunities of seeing them in the market; do you happen to know whether or not a number of them have any relations that are prominent members of the Apprentice Boys?—Well, I do not know.

2247. Rightly or wrongly does there exist a feeling of want of confidence with regard to the local magistracy as regards party attachment?—Well, it is talked

about that they do not—for my part I do not know, for I am never before them in any case—I am only speaking from the voice of the people.

2248. Mr. Commissioner KEANE—Is it recently that you say that feeling has increased about the police—since party feeling began to run high—these complaints that you have heard made about the local police?—Well, it is, indeed.

2249. And about the magistracy?—Just the same thing for the last two or three years, especially since the election; since shortly before this time twelve months.

2250. That is, you mean, the last election?—Yes.

2251. Shortly before that this feeling began?—About the month of July last year, and it is worse since.

2252. Now, you spoke about the Roman Catholic population being armed, can you tell me to what extent, to your knowledge?—Well, upon my word I could not say; in fact I do think there is scarcely one that is able to have a gun or a pistol at the present time but has them.

2253. Do you mean the Roman Catholic population within the Parliamentary boundary of Derry, and also those people in the Muff Glen, and those Catholics people?—I do, because I know that there were some subscriptions got up, and I was myself asked for a subscription to get them, and I declined, and I did not give it.

2254. Did you hear what was the amount subscribed for the purchase of these arms?—I did not.

2255. When was that subscription got up—when were you asked to subscribe to this fund?—Well, I think it is something about this time twelve months.

2256. Since the election?—After the attack that was made on the Town Hall.

2257. Did you hear at all, or can you tell me. Did you hear what quantity of arms were given out at that time by subscription; did you hear the numbers?—Well, I heard that there were three or four hundred.

2258. What arms were they—were they revolvers?—They were revolvers, and pistols, double-barrelled pistols.

2259. And who were the parties that gave them out did you hear?—I do not know, no.

2260. You do not know?—No.

2261. And then, independent of the three or four hundred arms that were given out, did you say that people besides that who could carry arms bought them largely?—Readily.

2262. And from what you know, the time that you so properly interfered to prevent the conflict that otherwise would have taken place, the last time I think it was you said?—Well, upon my word I really believe it would if it had not been that there were so many appeals to keep them in.

2263. And they were going out with their arms to meet the opposing party?—They were.

2264. Do you know where were those three or four hundred stand of arms distributed?—Were they distributed to the people in town?—I believe they were distributed to the people in town, and some of them in the country too; I heard that there was a good deal of guns purchased and sent out to the Muff Glen at the time of the occurrence there.

2265. Is it last July?—Last July.

2266. Did you hear the quantity that were given out last July—purchased?—Well, I did not hear.

2267. Did you hear a large number were?—A large number.

2268. Did you hear they were given out from any place in this town?—I heard one man say that he took out a method of guns and ammunition.

2269. From Derry?—From Derry.

2270. Did you hear from what place in Derry?—Mr. *Mr. Longman*.—With great respect I do not think the witness is bound to answer that.

2271. Mr. Commissioner KEANE—Very well, from Derry?—From Derry.

2272. And distributed them to the people in the Muff Glen?—Yes.

2273. Mr. Commissioner MURPHY—I suppose you see a great many of the working class—they come under your own observation?—Oh yes, in the public markets, and at the toll bridge.

2274. Do you see them of all classes and of all religious persuasions?—Yes.

2275. And those men, Protestants, Roman Catholics, and Presbyterians join in the same work together, I suppose, in perfect unity?—Oh, of course, sir.

2276. Unless on the occasion of some of those unfortunate displays?—Oh, yes, sir; it is my belief that if it was not for those displays we would have as good a town as in the north of Ireland. Before them and after them it is nothing but one fighting with another.

2277. Then, for some days previous to them and for some days after them, do you notice a different feeling existing from what you see at ordinary times?—No doubt about it, sir; no question about it.

2278. And you think, were it not for those unfortunate occasions, they would get on harmoniously together, eating their bread, and living as men ought to?—There is not the slightest doubt about it, I believe.

2279. Mr. Commissioner EXHAM—I forgot that you were the loser of the tolls of the bridge; do you know anything of an attack being made on the toll collectors last year?—Well, last year I had not the toll.

2280. I mean last Stephen's day, do you know anything of that—the day after Christmas day?—No, I was not there.

2281. Mr. McLaughlin—I believe the tolls are let from the 1st of January to 31st December?—Yes, they are. I believe the last house prosecuted parties for going through the toll gate without paying the toll, I was not there.

Captain Bradwell Plummer, County Inspector Royal Irish Constabulary, examined by Mr. McLaughlin.

Captain
Bradwell
Plummer

2282. I believe you are in command of the local branch of police—I mean the local branch of the Royal Irish Constabulary?—I am County Inspector of the local branch of that force.

2283. For the county of Londonderry?—Yes.

2284. Including the city and Liberties?—Yes.

2285. I believe the city and Liberties are, geographically, in the county of Donegal, as regards portions of it?—Well, I am not aware.

2286. But it is the fact. Now, Mr. Inspector Plummer, I believe you have not been long here?—I am over three years.

2287. But I believe in the city of Derry you have not been long?—When I was appointed it was here I came. I came on the day of my appointment.

2288. Were you personally present in Derry at the riots of the 28th of April?—No; I was unwell. I was in the hands of the doctor.

2289. I have placed you in the box to give you an opportunity of saying what you think right in reference to the removal of the two constables, whose change, in the opinion of the public, had the effect that was mentioned by Mr. Henington—I mean Scragham and O'Reilly?—Their removal was totally unconnected with what Mr. Henington stated. My reasons for removing them, of course, I gave to the Inspector-General. If you want to know them—

2290. I do not want to know your reasons at all. I only want to give you the opportunity of stating the facts to the Commissioners.

2291. Mr. Commissioner MURPHY—As there was a particular reason given affecting the removal of these men, we were personally anxious, of course, to inquire into it, but when Inspector Plummer states that it was not so, of course we are satisfied.

Witness—It was perfectly unconnected with anything of the kind.

2292. Mr. McLaughlin—It was for that reason I put Inspector Plummer into the box, that he might state whatever he has to say on the matter—I was present at the riot at Rahapogue.

2293. The riot at Rahapogue on the 9th of February?—Yes.

2282. Mr. Commissioner EXHAM—Do you know, amongst the people that you are in the habit of meeting so much, and mixing with—not mixing with, but seeing every day—what is their feeling with regard to the constabulary; do you think they would wish to see the constabulary beat in town?—Well, as far as I can hear, their feeling would be for the constabulary. For my own part I have nothing to say against any man. It is only the opinion of the public.

2283. Mr. Commissioner MURPHY—I suppose, in consequence of the unhappy state of feeling in existence between the parties, you are of opinion that any person subject to local intemperance, or taken from any of the local parties, would be open to censure whether right or wrong from another party, and that it would be very hard to do his duty so as to please both?—He could not do it.

2284. And that persons brought in and who are unknown to either side would be more desirable in the present state of feeling?—Well, I should think so.

2285. Mr. McLaughlin—With reference to the question of Mr. Commissioner Murphy, I believe there are no more kindly disposed people towards each other, apart from these party displays, than the Derry people?—Well, I think not. Protestants and Presbyterians I like as well as the others; and I would go as far for them and they for me.

2286. And I believe when it comes near these times, and shortly after these times, parties on both sides have not the same look in their faces?—No question of that.

2287. Mr. Commissioner MURPHY—That applies to the city?—Yes.

Captain Bradwell Plummer, County Inspector Royal Irish Constabulary, examined by Mr. McLaughlin.

Captain
Bradwell
Plummer

2290. Mr. Commissioner EXHAM—As we are on that point, it is but fair to Inspector Plummer and the force to which he belongs, to ask him had the removal of these men, or either of them, anything, either directly or indirectly, to any to any conduct of theirs at the riot, or to any evidence given by them at the inquiry?—Nothing whatever.

2291. Was it solely in the discharge of your duty, according to the exigencies of the force, that they were removed?—Solely.

2292. And not out of your jurisdiction?—And not out of my jurisdiction; and one of them was brought back again.

2293. Mr. Commissioner MURPHY—One man, from what has appeared here, was only temporarily removed, and then was brought back again?—Yes.

2294. Mr. Commissioner EXHAM—And the other was not removed from out of your jurisdiction?—No.

2295. I believe I am right in saying that within your own county you are the only person who has the authority for removing any of the force—I mean the private—and if it is out of your county it is the Inspector-General?—Certainly.

2296. And was the thing done by yourself?—By myself.

2297. And unaided by any human being?—Yes.

2298. Mr. McLaughlin—I thought it right to produce the Inspector from a communication that was made to me.

2299. Mr. Commissioner EXHAM (to witness)—And you were not influenced by any consideration except the sole discharge of your duty?—None whatever.

Mr. McLaughlin—I knew nothing of your being here on the night of the Bishopsgate attack, but having mentioned it, kindly tell the Commissioners what happened there that night.

2300. Mr. Commissioner EXHAM—Just tell shortly what took place upon that night?—There were men placed by direction of the meeting of magistrates.

2301. When you say the meeting of magistrates,

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Hammill.

do you mean a meeting that took place to adopt measures for the preservation of the public peace?—Yes.

2312 And you attended that meeting?—And I attended that meeting, and received the following distribution of the forces from Captain Peel, R.N., and the magistrates:—At Blarney-gate, 20; at Northern Hotel, 20 men and an officer, at Butcher's-gate, 20 men and an officer, at the Post Office-gate, 20 men and a head-constable, at Bishop's-street-gate, 20 men and an officer, at New-gate, at Rosses Meeting-house, 15 men and a head-constable, at Foyle-gate, 15 men and a head-constable, at Foyle-street steps, 10 men and a head-constable. [Witness read the foregoing from a document.]

2313 Mr. Commissioner KIRHAM.—Was there any other resident magistrate here then but Captain Peel?—I do not think there was.

Mr. McLaughlin.—Where was Captain Peel stationed?—He was going about from one place to another.

2314 Where was he when the trouble commenced?—At that time I was dining with Captain Peel, in the house where you are living now, and we heard a shot, and some person came up and told us there was a row going on. Captain Peel was out before us. I had to get on my war appointments, and that detained me for a few seconds, but I went out immediately after him. At that time it was for, and there was an immense crowd with torches and tar-barrels and all that sort of thing. The police were at the gate, and I heard that the crowd rolled up handkerchiefs, and endeavored to break the ranks of the police. I did not see that though. When I came up I came in front of the gate, and the stones were coming, not lightly, but like a shower of hailstones.

2315 Where were you then?—I was standing at the street side of the gate, and I saw Mr. Bea.

2316 Mr. Bea—that's the name of the officer?—Yes, I saw Mr. Bea with his sword drawn, actively engaged in trying to keep the people back. I was in front of the gate, and stones were coming in thickly, and some of the men came up from the reserve and said, "Don't stand in front there, sir, the stones are coming too thick," so I went and joined the men. When I did I saw one man put up his rifle. I heard that Captain Peel—I did not hear him myself—had ordered the men to load. I put down his carbine, and then I saw another man put up his, and I knocked it down also, and prevented them firing. At the same time the men were most violently treated. One man had his eye knocked out, and the poor man is still without an eye, and others were severely cut and badly wounded. They came in through the gate afterwards, and went down through the town, and I saw no more of them.

2317 Mr. Commissioner KIRHAM.—When you say they came in through the gate, do you mean that the mob got through the gate?—Yes.

2318 The outside mob?—Yes.

2319 And did they beat the police from the gate?—Oh, yes.

2320 Mr. McLaughlin.—And did the whole mob come through the gate, or only small numbers of them?—I can't tell. They came in in twos and threes, and had some trouble down the street.

2321 Mr. Commissioner KIRHAM.—About what number was in the crowd at the gate when it was forced?—I could not tell that. The street was full—it was immense.

2322 And were the stones large that were thrown in?—Oh, yes.

2323 Mr. McLaughlin.—Nearly as big as your head, I suppose?—They were big enough.

2324 Now, Mr. Pinner, you say that Captain Peel had given orders to the men to fire?—So I heard. I did not hear him myself, but the officer who was in command was here in an hour if you want him.

2325 Did you observe whether there were any other magistrates there at that time?—Yes.

2326 At Bishop's-gate?—Yes. When I was there

the late honored Mayor came up and did all in his power to preserve order and keep quiet. I saw Mr. Durran also. I met him at different parts of the town, and he accompanied me to Butcher's-gate and other places.

2327 Did you see anybody else?—I think Mr. O'Neill was also in the street.

2328 You are not certain of him?—I am not.

2329 Was Mr. Durran up at Bishop's-gate at that time?—He was. He came up after poor Dr. Balmington, but they had nearly got through the gate at the time he came up.

2330 But I believe there is not much doubt about it that it was only a portion of the main body of the crowd that got through the gate, and that they got through in drabbits?—I believe so, but I don't know it of my own knowledge. When the great hurry was over I went down to Butcher's-gate.

2331 And they went down to Bishop's-street?—I can't tell.

2332 But you ever saw it stated that a general order had been given to fire that night?—I don't say by you—but did you ever see it stated in the newspapers?

Mr. Commissioner KIRHAM.—Oh, I do not think we ought to go into that.

Witness.—No, I never read any of the newspapers.

2333 Mr. McLaughlin.—Then you never heard it stated publicly in any way, either journalistically or otherwise, that a general order had been given to fire?—No, nor do I believe it to have occurred. It's quite monstrous.

2334 You say that you struck down the cushions of a couple of men?—I did.

2335 How many constables were there at the time, may I ask?—There were twenty men placed at the gate originally with an officer, but other men came up suddenly from the Town Hall. They were sent for.

2336 Did it occur to you as a superior officer that the order had been given to those two men whose rifles you struck down?—Not at all. The order should have been given by Mr. Bea, who was at the other side of the gate; but I must say at the time the men were used most violently—most inhumanly used. One man had his teeth broken—by-the-by, I have an order to get him a new tooth, but I am sorry I can't give the other poor fellow an eye. Nothing could be more barbarous or more violent than the conduct of the attacking party.

2337 Nothing could be more barbarous or more violent than the conduct of the attacking party?—Nothing.

2338 I suppose you were present at the magistrates' inquiry that resulted from the occurrence of that night?—I was.

2339 Did any of your force ever swear that nothing could be more reasonable or orderly than the conduct of the processionists that evening till the police prevented them coming through the gate?—I believe that was the case of it, but they were only carrying out their orders.

2340 And those orders had come from the magistrates?—Yes.

2341 You were not in the Town Hall on the 28th?—No, I was very ill at that time.

2342 Were you here on the day of the Protestant meeting?—I was.

2343 Did you see the procession that day?—I was with one of the magistrates with a telescope looking at the meeting, trying to see who were the principals, ascertain the numbers, and trying to find out who were there.

2344 May I ask you, now, where did you make them from with that telescope?—From Walker's Pillar. There were officers there, and men through town watching the proceedings.

2345 Might I ask how did you manage to get entrance to Walker's Pillar?—I was not inside it at all, I was on the wall.

2346 You were not on the top of it?—Oh, no.

2367 Were you at the side of the bastion, peering through the embrasures?—No, I do not think I was.
2368 Then, you simply stood at the Pillar, and were not nearer to the proceedings than the telescope took them in?—That's all.

2369 The processions went about in different directions?—Yes.

2370 But it culminated in one place?—No, I did not see that, but there was an officer there.

2371 Who was he?—I forget his name, there were so many men there at the time.

2372 But I suppose you could, by reference to your documents, tell what officer saw it most particularly?—Oh, yes.

2373 Do you happen to know about what number was in the procession that night?—I made inquiries from one.

2374 And you were not nearer to it than the telescope brought them to you?—No.

2375 Mr. Stafford stated that Mr. Singleton was in the procession. He is stationed, I believe, at Magdalenfield?—He was, but he is now at Carrickfergus, and will be here at ten o'clock if he is required.

2376 You did not see the procession with your own eyes at all?—No.

2377 I believe there is no doubt of their having banners and music?—I understood they did not unfurl the banners or play any party tunes until they got into the field where they dressed themselves; but I did not see that.

2378 One word as to the party tunes. Have you been stationed in the north of Ireland for any portion of active service?—For twenty years, nearly at Banbridge.

2379 That is rather a warm country, I believe?—It is rather warm sometimes, but I met with a great deal of kindness there.

2380 There are a great number of party tunes I believe?—I believe there are.

2381 Do you know some party tunes with which the laymen would call a double aspect? Do you know any particular tune which from one point of view is a party tune, and from another you can fall back on *Derry's melody* for?—I know some tunes of that sort.

2382 Do you know the "Battle of Garra"?—Not I.

2383 I do not mean that you have any actual knowledge of that event, but do you know any tune of that name?—I never heard of the tune till this moment.

2384 Would you be surprised to hear that a tune in Scotland called the "Loss of Gowrie" is in Derry called the "Battle of Garra," and is a party tune?—I would not be surprised at anything I would hear, but I never heard that till the present moment. I think if an old woman blew her nose here it would be turned into a party tune.

2385 Do you know a tune called "Derry Walls Away"?—No, I know nothing about Derry walls.

2386 Do you know "Auld Lang Syne"?—I do.

2387 Do you know that the two tunes are the same, and that "Derry Walls" is a party tune?—No, I do not.

William Hagg examined by Mr. McLaughlin.

2388 Are you a resident of this city?—Yes.

2389 You have been residing here I believe for about twenty years?—Yes, upwards of twenty years.

2390 I believe you are a printer by trade?—Yes.

2391 And I believe you are foreman printer at the *Londonderry Journal* Office?—Yes.

2392 Putting the stereotyped question, I believe I may say you are in politics a liberal, and in religion a Catholic?—Both.

2393 You were examined before with reference to this matter of the attack on the Corporation Hall?—I was.

2394 Have you seen many of the illegal processions here?—I have seen those processions on the 12th of August.

2395 In the state of feeling that exists do you think these processions tend to risk the peace in any way?—I do.

2396 You do?—I do, decidedly.

2397 You think they tend to risk the peace?—I do.

Processions of all sorts have that tendency.

2398 You equally apply that observation to processions no matter from what party they come, or no matter what banners or music they have?—I do.

2399 Would you say that the various occurrences of the last twelve months rendered it particularly necessary to restrain these party processions in this city?—I do, of course.

2400 Do you happen to know the state of feeling between the respective parties?—The very worst that possibly can be—nothing could be worse than the feeling between the parties at every side.

2401 Do you apply that opinion as to that hostile feeling as a feeling existing between each of the parties, or do you mean it to extend only to the party armed with deadly weapons of warfare?—I think I apply it to both. Except on those party occasions it is a remarkably quiet, well conducted, orderly town.

2402 So I think, but I believe on these party occasions the danger you describe would arise?—Yes, the danger of collision. During the election here there was nothing unusual. It was quiet enough—some little scurrillages, as they say in my country, but nothing more.

2403 I believe the first disturbance was the attack on the Corporation Hall?—I was not there.

2404 And I believe the last thing was the unfortunate collision of the 26th of April?—I think so.

2405 Mr. Commissioner EHRMAN—On that day of the attack on Bishop's Gate, so far as you know, did the magistrates take proper precautions with regard to preserving the peace of the city?—Particularly proper precautions. Their object was to prevent a collision, and that was their motive for placing the men there.

2406 And they met in consultation with the resident magistrate in reference to the means to be adopted?—Yes.

2407 And I suppose took the benefit of your advice and views also?—Certainly.

2408 Now, I want to ask you, from what you know, and from your experience here as a County Inspector, what force, in your opinion, would be necessary for the due preservation of the public peace within the Parliamentary boundary of the city?—Except on those occasions of demonstration, I think 100 men would be ample, in fact, more than would be requisite, except something might occur, and if anything serious did occur that would not be near enough.

2409 And I presume it is your opinion that it would be desirable a resident magistrate should be always present in the city?—Most unquestionably.

Firm Date.
August 23.
Captain
Brinsford
Flanagan.

William Hagg.

Witness. 2335. But, at all events, you were there for that purpose?—Such was the case.

2336. Were you speaking with him at the time the attack was made on the Hall?—I was.

2337. About what time of the night was that?—It was about eight o'clock.

2338. I believe a rumour had been circulated during the day that the Hall would be attacked?—Yes.

2339. And in consequence a number of people were placed as a guard at the Hall?—Yes.

2340. Had these men, when you saw them, any deadly weapons?—Not that I could observe.

2341. Were you there when they came in, in two and three?—No. The men were all assembled when I took up my position with Mr. Hogg at the door.

2342. Did you at that time see any city police there?—I did.

2343. How many of them?—I saw them at the several corners and about the place.

2344. At the immediate entrance did you see any of them?—I did. Five or six of them scattered about.

2345. I suppose you know Jerry and the people of it pretty well?—I do.

2346. Were you standing at the Corporation Hall door when the body marched down London street?—I was.

2347. Did you see them when they were coming forward?—I did.

2348. Where were they when you first saw them?—When first I observed them they were at the Corporation Hall side of Alderman Gillman's, and they marched on down Bishop-street.

2349. Had the whole of that body come from London-street?—Yes, they had and marched down.

2350. What appearance had they?—They were in military array.

2351. How many deep were they?—Three or four, I suppose?—Two or three, I can't exactly say which.

2352. I suppose anybody could see them marching down?—Quite plainly.

2353. Did you see any attempt made by the police to prevent them?—Not the slightest.

2354. It was a clear summer's evening?—I believe it was.

2355. I believe there were Constabulary as well as city police in the streets?—Yes.

2356. But the charge of protecting the door of the Hall was allotted to the city police?—Yes, I believe so.

2357. They were standing across the door?—Yes.

2358. Did you observe these men until they came close to the Hall?—All the time they were coming down to the Hall I observed them.

2359. Had the police a view of them?—I left the Hall and went up to the Round-rooms, and looked out of the window.

2360. The Round-room, I believe, commands Bishop-street?—Yes.

2361. How far were they from the door when you went up to the Round-room?—They were coming forward to the Hall, within about ten yards of it.

2362. They had not broken in?—No, they were coming in line.

2363. And why did you go to the Round-room?—To have a better view of them.

2364. You anticipated the attack?—Oh, yes.

2365. At that time, before you went up to the Round-room, did you see any weapons with them?—No, I could not observe any from the door below.

2366. But subsequently, when looking at them from the window of the Round-room, did you see anything like that (noise produced)?—I did.

2367. How many of them?—Two or three similar to that in your hand.

2368. Any others of a different pattern?—Yes.

2369. How many of a different pattern?—One or two.

2370. And of a third pattern?—No, I only observed two kinds of weapons.

2371. Now, when you got up to the Round-room and looked out of the window, just tell the Commission-

ners what you saw?—I observed these men coming down the street in military order, for the purpose of attacking and breaking in the door of the Hall to get admission. I saw a lot of these municipal police outside, and I thought it strange these men would not raise them, seeing the determined attitude they were coming down in, and I put my head out of the window and shouted out to a policeman underneath, to know would they make no exertions to prevent them attacking the Hall. When I saw them coming forward with those bludgeons to make the attack—the Hall is so situated that the window of the Round-room jets out over the front—I got my head in and I lost sight of them.

2372. When you called on the police to prevent the attack, did you observe them do any thing?—No.

2373. Did the attacking party seem to come deliberately down?—They did, and in fact the police seemed to enjoy it rather than deter them, for they were joking and laughing, and took it all in very good part. They did not seem to be put about by the inspection at all, but enjoyed it tremendously.

2374. What was the appearance of the street in front of the hall when the police were in such good humour?—Very turbulent and very noisy.

2375. It was then you saw the weapons being used?—Yes.

2376. Did you know any of those you saw—don't mention any names now—in that crowd?—Oh, yes, I did.

2377. Were they of the attacking party?—Yes, they were.

2378. Had you before seen these men act in a body at all on occasions when there was no riot?—Oh, yes, several times.

2379. Where?—Through the city.

2380. In what respect?—At these celebrations.

2381. And you identified them as the same men who gave their names afterwards in the police office?—Yes.

2382. Did you see any other arms with that crowd except these sticks?—No, nothing more formidable, but they were of different forms.

2383. Were they simply carrying these sticks, or were they using them at all when you saw them?—They had them in their hands ready to use them.

2384. When you looked out of the window were they using them?—The party was then coming forward to attack the Town Hall, and as they got underneath the window I lost sight of them. I got afraid, as they commenced to throw stones, and I took my head in and lost sight of them.

2385. Did you see the city police make any arrests?—I saw one man make an attempt to take a loaded whip out of the hand of one of the Apprentice Boys.

2386. That policeman was No. 11, I believe?—Yes.

2387. And I believe the attempt to take that weapon was one that continued for some little time?—Yes.

2388. Was that the time you called to the city police?—Yes, in or about that time.

2389. And did the others did No. 11 in the attempt to take the weapon from the man?—No, I think not.

2390. Had you a view of the struggle going on?—I had a view of it, and saw the constable endeavouring to take the loaded whip from him. They had a truss, and the man that had the whip originally retained possession of it.

2391. Are you able to say that no other constable or any policeman assisted that constable to take the whip?—He got no assistance so far as I could see.

2392. Is it true, what you swore at the police office, that no attempt was made to take this whip from A. B., that is the name of the man?—No attempt was made.

2393. Describe the bludgeon?—It was not as long as an ordinary riding-whip. It was about half as long, but it was loaded at one end with lead or iron.

2394. How did you know it was loaded with lead or iron—by the oscillation, I suppose?—Yes, by the

spring, and I knew it was loaded with either lead or iron.

2455. Did you see how that was held—was the man depending for a hold of it on a single grasp of the hand, or was any arrangement made for holding it?—I think he had it in his hand; but I observed the other weapons were confined on the wrist by a thong.

2456. Now, the man you say retained possession of the weapon?—He did.

2457. And then the stone-throwing began, I believe?—Yes.

2458. Up to the time the stone-throwing began, and during the effort made ineffectually by No. 11 to take this whip, did any of the city police do anything?—I did not observe that any of them did anything.

2459. Did you speak to any other constable at this time, asking him to give assistance?—I did. I spoke to Head Constable Daly from the window.

2460. But whatever you said, you do not know whether he heard you or not?—I do not know.

2461. I believe the magistrate, Mr. O'Neill, was in the Round Room at that time?—He was.

2462. And did any stones come in then?—They did.

2463. Did you see in the Round Room one of that attacking party afterwards, who subsequently made his escape through the window of the Round Room?—I did.

2464. I believe that man was about to get rough usage from some of the party in the Hall till Mr. White, of Water-side, interfered?—Yes.

2465. When you saw the men who were inside in the Hall, had they any arms?—None that I saw.

2466. Did you subsequently see them with sticks?—I did.

2467. What were those sticks you subsequently saw them with?—The railing of the stairs. They dismembered it, and each man made a weapon of a railing.

2468. This was when the attempt was made to break into the Hall?—Yes.

2469. And when one of them had broken in?—Yes.

2470. Did you see Mr. O'Neill at the broken windows there that night?—I did. I pulled him away from the windows myself, in consequence of the stones coming through them.

2471. What happened after that—did you see Mr. O'Neill sending off any policeman, or giving him any document?—I, myself, went forward to Mr. O'Neill, along with others, and begged of him, for pity's sake, to send for the military. I could see no magistrate sitting. The mayor was not there to send for the military. After a good deal of persuasion, he did consent and sent for the military.

2472. And I believe the military came shortly afterwards?—Yes, they did.

2473. Now, did you see any arrests made, as a matter of fact, of the attacking party?—No, I did not.

2474. Were you present at the police-office when a number of those bludgeons were produced?—I was.

2475. Do you remember out of whose custody they came?—Yes.

2476. Who produced them at the Mayor's office at the investigation?—I think it was the police had got possession of some of them.

2477. By police, you mean the constabulary?—Yes.

2478. Do you know whether any of the city police produced, in the first instance, any of those weapons?—I heard they procured some of them, and threw them into the Bishop's garden.

2479. But, while you were there, any of those weapons that were produced were produced by the Royal Irish constabulary?—Yes; I heard that Mr. Hagg retained possession of one of them.

2480. Were you in any particular part of the building when the meeting was being held?—I was.

2481. In what condition was the meeting during the attack on it?—It was rather confused in conse-

quence of the attack. Mr. Devine was on the platform along with several other gentlemen who accompanied him. Stones were coming in through the windows. He was rather confused. He had to shift his position, as had the chairman and the reporters.

2482. And the reporters?—Yes; the stones were coming in through the windows at the time he was speaking.

2483. Were you able at that time to see, or could you have seen if you tried, from the windows, the condition of the Diamond at that time?—No, but I saw it from the lobby of the Hall at the Butcher-street side.

2484. Tell us what was the appearance presented at the Butcher-street side?—I saw the constabulary endeavouring to make peace; one party in Butcher-street was attacking another party at Hayes's corner, and another was attacking those at the feet of Corporation Hall, and then falling back, the police getting between them; it was in a very disturbed condition.

2485. How long was this from the time the attack originally began?—I should say half an hour or three quarters, it lasted until the military came. I don't think it began to quiet down about the Corporation Hall until the military came, nor was confidence restored until the military came.

2486. At what time did the military come?—The first time I observed them was about an hour after this proceeding at the Hall.

2487. I believe this attack on the Corporation Hall created a good deal of feeling?—It did.

2488. And increased the bad feeling that existed before?—It did.

2489. The celebration of the 19th of August, which occurred immediately afterwards, was allowed to go on in the usual way?—Yes.

2490. And the 16th of December celebration following the election?—Yes.

2491. May I ask you, whether you know, as a matter of fact, are those displays rightly or wrongly considered as offensive and insulting by a large portion of the population?—Decidedly they are.

2492. Do you yourself concur in the opinion that they are offensive and insulting to a large portion of the population?—I do.

2493. And do you say that that portion of the population would, at all events, be in favour of putting them down?—Yes.

2494. Do you know in that opinion confined to Roman Catholics, or is it shared by others?—It is not confined to Roman Catholics. Every liberal or tolerant Protestant and Presbyterian has the same feeling—in fact every man of common sense must admit that they are a grievance and a nuisance.

2495. Are they anything more than a grievance and a nuisance—are they a provocation of disturbance?—They are.

2496. Do you know the feeling of the young men of the opposite party?—I do, pretty well.

2497. Do you consider that much danger is involved in the continuance of those exhibitions?—Yes. I believe if there is another attempt to celebrate any anniversary it will culminate in bloodshed. I have no hesitation in saying that if there is another attempt it will end in bloodshed.

2498. Now in the statement you make, so impressively, a merely speculative opinion, or have you any grounds for believing it?—I believe it, for I knew one portion of the people are thoroughly well armed.

2499. What portion do you mean?—I mean the Roman Catholic portion of the community.

2500. Has it not been a thing well known that, heretofore, they were not thoroughly armed?—Yes, it was.

2501. When did this arming which you say is so extensive begin?—Previous to Mr. Devine's election; it was less or more for the last three years, but to a greater extent since his election—previous to his election.

2502. As far as you know as a matter of fact what was the origin of this arming?—As far as I know as

First Box
August 29
William
Maginn.

Wm. Dwyer
—
August 22.
Witness
Hagart.

a matter of fact, it was nothing more than self-defence, and for the purpose of putting down these celebrations.

2503. I believe, in point of fact, the people have lost much confidence in the law to protect them?—They have.

2504. Do you know of any particular reason for the arising becoming more extensive about the time of the election? Do you know of any threat being made—anything said?—Well, I don't know really.

2505. Were you present in court when Mr. Hempton was examined, and deposed to a threat, made by a certain person whom I will not name—to shoot down a certain class in case?—I was not in court.

2506. Did you ever hear of that?—I did.

2507. You heard of that?—And the people of the town generally, I believe.

2508. That a certain person high among the Apprentice Boys said the Catholics would be shot down?—Yes.

2509. Honestly, what did you believe yourself as to the possibility of that being carried out?—I thought there was some danger—I thought it very possible, if Lord Claude was assisted at the election, there would be a violent commotion, and fire-arms would be resorted to—I thought there would be loss of life. That was the opinion of thousands as well as me.

2510. Has this feeling gone on increasing between parties?—It has.

2511. May I ask you whether the people of Derry, ordinarily speaking, and apart from these anniversaries, are good-natured people, and friendly people?—There is not a better community in the world I believe, nor a people more well-disposed, and more civil towards each other—taking away the offensive demonstrations.

2512. They do acts of kindness, the one to the other?—Yes.

2513. I believe it is the fact, as stated by one of the witnesses, that about the time of these celebrations the feelings of the people undergo a very undesirable change?—They do, indeed.

2514. You have observed that as a matter of fact?—I have.

2515. On the occasion of any of these processions have you observed any of the police at all with them?—Oh, yes.

2516. In what capacity as far as you could observe?—Well, I observed the constables walking after them.

2517. Have you observed any of the police walking before or behind them?—I have seen the constabulary—for the purpose of preserving the peace—keeping the parties separate. I know the constabulary would not identify themselves in any way with them, from what I saw of their conduct in the town, but I have not the same opinion of the municipal police.

2518. Is that because the municipal police have relatives amongst the Apprentice Boys?—That is one reason, one great reason.

2519. Without mentioning names—do you know many of the city police that have relatives amongst the Apprentice Boys' organisation?—I know two, I think, there may be more without my knowledge.

2520. You have said you apprehend bloodshed if these celebrations go on?—Yes.

2521. Is it true what appeared in some of the newspapers, that there is an organisation called the "The Working Men's Defence Association" amongst the Catholics?—Yes.

2522. You are not outdaring that with the Working Men's Defence Association that about the time of the election was organised?—No.

2523. Then, is it true that there has now sprung into existence, or that there is about springing, an organisation called the "The Londonderry Labour Working Men's Defence Association," got up for the purpose of aiding and assisting the authorities to legally put down these celebrations?—It is to legally assist the constituted authorities to put down the celebrations.

2524. Now, as far as you know, is the sentiment of the members or intended members of that organiza-

tion confined to legally putting down the celebrations?—Yes.

2525. Primarily you mean?—Yes.

2526. But, secondarily, or eventually, what?—Secondarily and eventually, I believe that this organisation, if they attempt to go on with them, will not be prevented, by any amount of moral suasion, clerical or lay, from putting them down themselves. That is my humble opinion.

2527. I believe you know, in point of fact, as most people do, that every description of seditious, libel and demand, and particularly demand, has been used for that purpose?—Yes.

2528. I believe the Catholic clergy have always been lecturing the people, at that side of the house, on the necessity of peace and taking no offence?—Yes.

2529. In your opinion will that influence be inefficient after this?—I think so. Previous to the last anniversary the people said they would give the Government no more chance of preserving the peace, and if they did not preserve the peace they would endeavour to defend themselves from these periodical insults.

2530. Mr. Commissioner BURNES.—That refers to the week before last?—Yes, the last anniversary.

2531. Mr. McLaughlin.—Did you see the procession at the time of the Protestant meeting?—I did.

2532. Could you tell us what it was like. Did you endeavour to count it at the time?—Yes, I think I calculated about 600 men going down Shipquay street with banners and one thing or another of that description. I went so far.

2533. You saw it in Shipquay street?—Yes.

2534. How did you manage to count it?—It came on about four deep. I calculated four deep for all going down, and then I multiplied that by the number of files, and it came to about 600.

2535. Were there many banners?—Some dozen and a-half.

2536. What was the character of the banners?—Crucifixion, some were fringed with crucifixion.

2537. Were there any Orange?—I saw one Orange banner, it was faded.

2538. But were those you describe open?—Yes.

2539. Was there any music when they were going down Shipquay street?—I do not think they commenced to play till they got outside the gates.

2540. What else were played then?—I cannot tell.

2541. Have you ever heard any Orange airs played?—I have.

2542. Have you heard party tunes?—I have.

2543. What tune?—"No Surrender."

2544. When did you hear that?—I heard that on the last 12th of August.

2545. You did not hear that tune played through the town on Thursday night last?—I did not. I was not out.

2546. On the 12th of August last?—Yes.

2547. That was the 12th of August following the 23rd of April?—It was the last 12th of August.

2548. Do you think the risk of these celebrations creating disturbances as increased by reason of these party tunes?—Oh, yes, decidedly.

2549. Did you ever see or hear the band of the opposite party playing party tunes?—I never heard them playing party tunes. I never had the opportunity.

2550. Did you see them the day of the Prince's visit?—I did.

2551. Did you see them in the middle of the day when the Prince was at the Imperial Hotel?—I saw them accompany the Prince from the Albert-road.

2552. Did you hear what airs they played on that occasion?—Yes, I think so.

2553. What were they?—As well as I can tell they played "Auld Lang Syne."

2554. That is the Catholic party did?—Yes, and I believe they played "A Good Boat Coming, Boys."

2555. I suppose they meant the Commission?—I dare say; and I think there was another one—"He is a Right Good Fellow," as applicable to the Prince.

2555. Did you hear any other musical instruments playing or performing that day?—I did, I heard the bells of the cathedral, but I don't know what they were playing.

2557. In August did you hear the bells playing anything?—I heard them attempting party airs.

2558. What were the airs?—"No Surrender," "The Protestant Boys," "Derry Walls Away."

2559. That is, "And Long Bye," with one party, and "Derry Walls Away," with the other?—Yes.

2560. Mr. Commissioner EXHAM.—According as it is played by one band or the other?—That is the fact; it is the same with the "Lean of Gowrie," and "The Battle of Gowrie," the one air is applicable to both.

2561. Mr. McLaughlin.—Do you know, "Damen Gey came here to Woo"?—I have heard of it.

2562. Do you know of any difference between it and "Rob Roy McGregor"?—I think the air is somewhat similar.

2563. Is it the same tune?—Yes.

2564. You say party tunes were played on the bells?—Yes.

2565. The bells are in the Episcopal church?—Yes.

2566. And was it from the roof of that church the gun was fired on the last 12th of August?—It was so stated.

2567. Now, do you know that there exists, rightly or wrongly, correctly or the reverse, a feeling of dissatisfaction as regards the manner in which the local magistracy administer justice, as it is called, in party cases?—A great feeling of dissatisfaction.

2568. Is there any confidence in their decisions?—None whatever—amongst a large section of the public some whatever. I have known many men to have come, and sooner than go into court they have abandoned their case, stating they would get no justice, particularly if the case bore a political aspect. They said they had no confidence, and they would willingly pay any amount of money, for they knew they would not get a verdict—would not get justice, in fact.

2569. I am not saying whether rightly or wrongly, but is that impression extensively prevalent?—It is prevalent. It is shared amongst the whole city—amongst that portion of the city. There is one thing very much complained of lately, and that is, that a certain portion of the local magistracy, on the Thursday morning that the Petty Sessions Court sits, go up to the police station, a certain number of them, and mix amongst the men that have been taken up the night previous, to ascertain for what offences they have been taken, and post themselves thoroughly up in all that relates to them, so that they may be prepared to administer the law as they think fit when the cases come before them.

2570. Do you know that of your own knowledge or from what you hear?—It is the general talk of the people who live in that locality. I saw them myself in conversation with the city police on that morning, and they are seen to be there, especially if there is anything of a political disturbance, the night previous.

2571. Mr. Commissioner MURRAY.—Why fix on Thursday?—That is the petty sessions day.

2572. Mr. Commissioner EXHAM.—What becomes of all the persons arrested during the week?—They are disposed of summarily every morning, but Thursday is the petty sessions day.

2573. Mr. McLaughlin.—If a case, of any dimensions comes on it must be reserved till Thursday?—Generally all are reserved for Thursday except cases of drunkenness.

2574. You are talking of cases of arrests, not for simple offences?—I am talking of cases principally that bear a political aspect—rows between parties.

2575. Wednesday is the market day in Derry?—It is.

2576. And the most fruitful, either by day or night, for rows?—Well, a good many Wednesdays are.

2577. Have you observed that these celebrations of late have been joined in by a large number of people from the country?—Yes.

2578. Did you see any procession on the 26th of December '68 of the Catholic party. Were you in court to-day when it was mentioned by a witness?—What witness?

2579. Mr. Commissioner EXHAM.—The Eboria Photo Band going through the town with a flag?—I did. I heard of that.

2580. Mr. McLaughlin.—Did you see it?—No, I did not.

2581. Did you observe any burning of tar-barrels on the occasion of the election of Dr. Miller over Mr. Bigger?—No, I did not; I was not out that night.

2582. Did you see anything of the row that took place the night Mr. Devan was declared returned?—I did; I was at Bishop's Gate.

2583. That is the night of the decision on the election petition?—Yes.

2584. I am not speaking of that. Do you know anything of the rejoicing of December, '68, when the late mayor was elected?—No; I merely heard the cheering.

2585. Do you know anything of what took place on the 1st of January, the day of the inauguration of the same gentleman?—No; I was not out.

2586. You were at Bishop's Gate on the night of the 9th of February—the night of the decision on the election?—Yes, I was.

2587. Were you there when an attempt was made by the people to grapple the city?—I was.

2588. Tell the Commission exactly what you heard and what you saw, as well as you can recollect it?—I saw this large body of men with torches, and a band coming along Charles-road, the lower part of the town, and up to Bishop-street. In passing through Bishop's Gate, I saw the constabulary at the gate, and when I met the men I turned back, knowing I would be refused admission. I inquired why they were refused admission, and they said that Dr. Robinson, the late mayor, had placed these men at the gate to prevent them getting in. It was told to me afterwards it was to prevent them getting into collision with the other party.

2589. What other party?—The Apprentice Boys' party I was told, but as I went down through the city I did not see any opposing party. I did not see a man congregated. I went down to the foot of Society-street. I mean the end next the wall where the old gun-room was. I went all round Butcher-street, and I did not see any opposition at all, or any attempt at opposition, and when I came back—at that time the constabulary and the men were engaged—there were stones fired.

2590. At what time of the night was it you went down to the lower part of Society-street and saw them?—About a quarter past eight.

2591. Then you were not there when the Apprentice Boys' party in Society-street was so dense that Inspector Bedford had to drive them before him at the point of the bayonet?—No, I could not see them.

2592. I believe some of the people burst in through the gate that night?—I believe the great bulk of them went round by the back of the wall.

2593. By Nauler's-row?—Yes. I did my best to make the procession break up and go down by Nauler's-row and past Bishop-street. I told them that, whether it was right or wrong, the constabulary were placed there and had to do their duty, and could not allow them to pass, and they said they did not blame the men nor want to injure them. Several persons along with me gave them that advice, and some of them took it and went away.

2594. Did you see any hand-carts there at that time?—No. I was looking then to see where the opposing party was.

2595. Going to the right along Nauler's-row alongside the wall towards Butcher's-gate, supposing there was a stone loosed on the wall, then could it not be made to fall over on them?—It could.

2596. Had you heard a stone was loosed there?—I had, so far as that it was publicly stated.

Form. Dec.
August 25.
—
William
Murray.

FRANCIS DAVENPORT.
August 25,
1869.
Witness
Maguire.

2597. Mr. Commissioner MURPHY.—We have clearly and distinctly in evidence that there was an armed party inside the wall prepared to receive the party outside the wall, and it may be very likely that the party who used pistol shots would not hesitate to use a stone or any other weapon they could get. Is it worth while dwelling on this matter of the stone?

2598. Mr. McLaughlin.—I am instructed that the discovery of the fact that this stone was loosed was made by a certain official person, but that nothing was done. However, I will not mind it.

2599. You did not see any disturbance at that time inside the wall?—No.

2600. Were you inside the wall that night afterwards?—I was.

2601. What night of the week was it?—Tuesday night.

2602. Tuesday night is a busy night with you?—Yes, the paper is published on Wednesday morning.

2603. And then after took place about twenty minutes to nine o'clock?—Yes, in or about that.

2604. And I suppose coming up to supper time you had to go back and work, to bring out the paper in the morning?—Yes.

2605. And that is how you come to know of it?—Yes.

2606. As far as you know the opinion of the people, do you think will efforts to restrain them in future be as successful as they have been in the past?—They will not, indeed. It is evident they will not. I think it will be morally impossible to restrain the people if it is attempted to go on with another celebration.

2607. I will ask you another question—don't answer it till you see whether the Commissioners will allow you.—Did you ever see these celebrations do any good to the people connected with them?—None whatever—but the reverse.

2608. Mr. Commissioner KEENE.—I want to ask you about the 20th of July. Is it or is it not the fact that a number of arrests were made on the night of the 20th by the constables, and that the parties arrested were afterwards held to bail to appear at the assizes, and subsequently pleaded guilty at the assizes?—Yes, that was the case.

2609. Who arrested them that night?—I think the greater portion were arrested by Sub-Inspector Stafford and his men.

2610. Do you know the borough constables? Did you see Sergeant Kennedy, for instance?—He is one of the constabulary.

2611. Do you know a man named Sinclair, a borough constable?—I do not know him.

2612. Mr. McLaughlin.—He was for a long time the only Catholic member of the force.

2613. Mr. Commissioner KEENE.—Do you mean to say that you are under the impression there were no arrests made by the borough constables that night?—I am.

2614. The men that were arrested were held to bail by the magistrates the next day?—Yes.

2615. To appear at the assizes?—Yes.

2616. And they pleaded guilty, and were allowed to stand out on their own recognizances?—Yes.

2617. Therefore, so far as that transaction is concerned, is it not your opinion that the magistrates did their duty in binding over the parties to take their trial at the assizes?—Oh, I think they did.

2618. That was all they could do?—That was all they could do.

2619. Now about those demonstrations. Is it your opinion that the demonstrations by the Hibernia Band give offence to the other side also?—Oh, yes.

2620. Then I take it your opinion is that demonstrations by the Hibernia Band should be put down just the same as the others?—Unquestionably—put down all kind playing, bell-ringing, and processions of every description.

2621. And I suppose you would apply that to the whole of Ireland—or would you?—I would.

2622. You would stop demonstrations of every sort

everywhere, and bands in the street everywhere?—Everywhere.

2623. And give no one any cause for any offence whatever?—None.

2624. You told us of an extensive arming by the Catholic population—when did that commence?—Well it is going on less or more for the last three years—but not to such an extent, until previous to Mr. Dewe's election—when it was done in consequence of the rumours about at that time.

2625. About those rumours about then—you heard the name—I don't want it mentioned—but you heard the name of a certain individual who had uttered threats?—Yes.

2626. Are you aware whether any steps were taken with respect to that? were any informations sworn?—Oh, I never heard of any action being taken in the matter.

2627. Don't you think it would be proper and judicious if any person had made a public threat, or a private threat, that in a certain event, certain persons would be shot—don't you think it would be judicious that the person who bore this threat should take some action on hearing it?—No doubt of it. I think it should be done.

2628. You think it ought to be done, and the authorities warned about it?—Decidedly.

2629. And you are not aware that it was done?—I am not. I believe it was not.

2630. It was not done?—Yes.

2631. Did you hear of the uttering of this threat some time before the election actually took place?—I did.

2632. It was the subject of conversation?—It was the subject of conversation amongst the general community.

2633. But no action was taken on it?—No action was taken in the matter.

2634. Do you know of any row that took place on St. Stephen's Day last?—I heard of it, but I was not near it. I did not see it.

2635. Now, with respect to this night you speak of—do I understand you to say you know the Apprentice Boys live in the town more or less?—Yes.

And have their place of meeting in the town?—Yes.

2636. Well, you were aware that the magistrates had met that day, and had a consultation with the resident magistrate, and that they made a disposition of the police force for the preservation of the public peace?—I did not hear of that at all until I was going home to my tea, when I saw the men posted. That was the first intimation I got of it.

2637. Do you think, now, it was a wise precaution on the part of the magistrates to prevent a large number of persons, with a band and torch lights, coming in through the gates, there being an antagonistic force in the town already, and you being aware that both parties were armed?—There was no antagonistic force in town. The Apprentice Boys had not assembled, though the late Mayor took steps to prevent the processionists coming in.

2638. But don't you know we have it now in evidence that these steps and precautions were taken early in the day by the magistrates and the resident magistrate, and with the assistance and advice of Mr. Plannan, the County Inspector, owing to information received, and that accordingly the police were posted at the different gates to prevent the mobs coming into conflict? Don't you think that was a wise precaution to take?—No, I think it was most judicious.

2639. You would allow the outside processionists to come in, knowing there was a contending force inside?—There was no contending force inside that I could see. They may have been under cover, but I could not see them.

2640. Supposing they were under cover, and liable to come out at any moment, and if the magistrates had information to that effect, and knew the feeling

between the two parties, do you not think it was a most wise precaution to keep one party out, so that the two should not come into collision?—Well, it would be the better plan, certainly.

2641. You know, of course, both sides were armed then?—Yes, I was well aware they were.

2642. Can you give us any idea of the extent to which the Catholic population have been armed since just previous to Mr. Dowse's election?—I believe that from seventeen to eighteen hundred revolvers and guns have been distributed amongst them, between what they purchased and what they got. What went to the country I do not know, but I know a great extent of arms and ammunition came to town, and that they have got possession of them.

2643. And, as you think, not less than that?—Probably not less than that.

2644. Did that commence about the autumn of last year, previous to the election?—Some months previous to the election. It commenced after the night when this unfortunate business took place at the Town Hall—the night of Mr. Dowse's lecture—that was the beginning of it.

2645. It was after that it commenced?—It was after that it commenced.

2646. You say between what were distributed and what were got—can you tell me what quantity of arms were distributed in the city, as contradistinguished from what the people bought?—I could not state that.

2647. About the number?—Of course, I could not expect you to tell the exact number?—There might be 1,500 revolvers.

2648. Distributed?—Yes.

2649. Can you say where these were purchased by subscription, or bought by individuals themselves?—A portion by subscription, and a portion by individuals.

2650. But I am asking you about the portion by subscription. About what number of revolvers were purchased by subscription and distributed amongst the people?—I suppose 500.

2651. By subscription?—Yes.

2652. When you say subscription, do you mean a fund raised for the purpose of purchasing?—Other parties contributed more or less towards purchasing them, when wanted upon.

2653. Those parties who were wanted on contributed to a fund to buy arms, to arm the people?—Yes.

2654. Can you tell me the amount of ammunition that was purchased?—I do not know that.

2655. You cannot give an idea of that?—No.

2656. Was there a large quantity?—Well, I don't know indeed. The ammunition that was purchased was just merely the balls for the revolvers.

2657. Nothing but the balls?—The balls and charge are in the one case for the chamber.

2658. Could you give me any idea of how much?—Ammunition for 500 revolvers.

2659. How many charges for each revolver?—I dare say a box, we will say, containing about twenty-five balls.

2660. For each revolver?—For each revolver.

2661. How many barrelled revolvers were there?—Some had four chambers, some six, some twelve.

2662. Some were twelve-barrelled revolvers?—Some were twelve-barrelled.

2663. Do you mean some of those that were purchased by subscription?—No; none of those were twelve-barrelled.

2664. They were bought by private parties?—Yes.

2665. But of those bought by subscription, some were four and others six-barrelled?—Yes.

2666. And there were twenty-five rounds for each?—Twenty-five rounds for each, in a box, from what I saw.

2667. I don't ask the place, but were those distributed from any place in town?—They were distributed through the town.

2668. But were they distributed from any particular place?—They were.

2669. And by particular persons?—Yes.

2670. In the town?—In the town.

2671. You are of opinion that it would give satisfaction to the Roman Catholic population if the police force here for the future was composed entirely of constabulary?—Oh, yes, decidedly.

2672. Mr. Commissioner MURPHY.—That night of the procession, on the decision of the petition matter, do you know, or did you hear, that shots were fired by that procession?—I heard shots fired in the procession.

2673. In the procession?—In the procession.

2674. I suppose you have no doubt that the persons in that procession, or many of them, were possessed of the revolvers previously distributed?—Yes; I heard them firing in the air previous to coming up to the gates at all.

2675. And the fact that a number of armed persons, were likely to be members of that procession, was known, from general report, to the magistrates and authorities?—I do not know whether they were aware of that procession coming out that night. I never heard of it until I went down.

2676. In point of fact they did anticipate the procession from information they got, and, of course, they must have heard the report that revolvers had been purchased and distributed?—Oh, it is more than probable—more than likely.

2677. And they knew the party in the town were likely to be in possession of arms?—Oh, yes; I would say so.

2678. And they must have known that the procession was calculated to give offence, whether rightly or wrongly, to the other party whom they had triumphed over for the time?—I suppose they would labour under that impression, but I venture to say that if it had been the supporters of Lord Claude Hamilton that sought admission through the gates that night, they would not be prevented—that is what galled the processionists to such an extent.

2679. They thought they were dealt with differently?—They did, and it was very evident they were.

2680. But, supposing both parties were dealt with in the same way, by preventing their processions, in your opinion, would each be justly dealt with?—Unquestionably.

2681. Mr. McLaughlin.—With regard to the question of Mr. Commissioner Egan, whether the magistrates, when these people were brought before them for their share in the attack on the Corporation Hall, did not discharge their duty by sending them out for trial on bail—you remember that question?—I do.

2682. You were examined, I believe, on the second day of the inquiry?—I think on the second day.

2683. And, I believe, I had the honour of examining you?—You had.

2684. And, I believe, about the end of the second day the case was very strongly proved by the Royal Irish Constabulary, by you, and by other witnesses against the parties accused?—Yes, a good case was made against them.

2685. There was a large bench of magistrates, I believe?—Yes; a great number of them.

2686. It was a very long and patient investigation, and somewhat energetic on the part of the counsel for the prosecution?—It was.

2687. Do you remember, at the close of the second day's proceedings, a suggestion being made by the late Dr. Delington, the mayor—or at all events made from the bench—that the parties should keep and be friends?—I do; I remember that.

2688. That was after two days' proceedings had clearly brought out the entire of the case?—Yes.

2689. Do you remember Mr. Crawford, the solicitor for the prisoners, strongly urging the adoption of that course?—I do.

2690. Do you remember Mr. Crawford saying that that course would do more to maintain the peace of the

FIFTH DAY
—
August 23.
—
William
Mayor

Veris Dicit.
—
August 33.
—
Of the
Magistrate.

city than any other that could be adopted?—I think I recollect that observation.

2691. And do you recollect that I opposed it, pointing out a number of considerations?—Yes, you did.

2692. And I believe I urged amongst other things that some of the parties were not getting fair play?—Yes.

2693. And the result was that the case went on the third day?—Yes.

2694. And the Bench sent all the parties on both sides for trial eventually?—Yes.

Mr. Commissioner BUCKAM.—“Both sides”—I did not hear anything of that till now.

Mr. *McLaughlin*.—There were *criminal cases*—a number of persons—Hill, McGuinness, and others were brought up for risk.

2695. Some of the Beguile party were brought up for risk?—Yes.

Sub-Com.
Stable Patrick
Serraglio.

Sub-Commissioner Patrick Serraglio, a. r. o., examined by Mr. *McLaughlin*.

2700. You are at present stationed in Derry?—I am.

2701. And you have been stationed in Derry for a good while I believe?—Over six years.

2702. Over six years?—Yes, I was a little time out of it—temporarily, after the attack on the Town Hall.

2703. Are you one of the men returned for trial in connection with the 28th of April business?—I am not.

2704. Did you see the party on the night of the 30th July coming down?—I did.

2705. Did you see them marching down?—I did.

2706. Where were you at the time you saw them?—I was standing near to Mrs. Malholand's—on that side of Bishop-street.

2707. Every one in the street, either of the city police or the Royal Irish Constabulary, had a good opportunity of seeing them?—Oh, yes, they had.

2708. Now, I don't ask you what your orders were, or anything of that sort, but I believe, in point of fact, you made no attempt to arrest anybody at that time?—I did not.

2709. Was that in consequence of instructions you received?—I received no instructions.

2710. One way or the other?—No.

2711. Did you see any of the city police there?—I saw four or five of them at the door entering the Hall in Bishop-street.

2712. Did those city police see the men coming down in that way?—They might have seen them.

2713. They had a good opportunity?—They had a full view ahead as far as Society-street.

2714. Did you see them before they came out of Society-street?—London-street?—I beg your pardon.—I saw the front body coming down Bishop-street before the rear had got clear of Gillman's corner.

2715. The corner of London-street?—Yes.

2716. I suppose the weapons afterwards displayed were not visible then. You did not see, when they were marching down, any weapons?—No.

2717. When did you first see any weapons?—When they were within ten yards or so of the Corporation Hall.

2718. They drew their weapons then?—They did, I saw a few of them draw them.

2719. Were they anything like that?—[showing the toothed bludgeon]—Not like that—about the length of that, but not so shaped; they were round—perhaps there was a square one amongst them.

2720. Some were square and some circular and so on?—Yes.

2721. Did you get any bats that night yourself?—I did not.

2722. Did you see them use these weapons?—I did.

2723. Did the city police interfere to prevent their using them?—No; I could not see what the city police

2686. But none of these people it was pretended had any of these weapons?—[Exhibiting the toothed bludgeon] No.

2697. Now, you have been asked by Mr. Commissioner Egan whether or not any information was given as to the gentlemen who, it was alleged, rightly or wrongly made this threat about having parties shot down?—Yes.

2698. Were you present in court when evidence was given that that gentleman (he being named) had been in command of the attacking party. Was that evidence publicly given in the presence of the magistrates by a witness named John Courtney—did you see that in the paper?—I did.

2699. At all events there was no prosecution for any of these things?—No.

were doing, from the position I was in. When the body of men passed me—the main body that I saw coming down Bishop-street—they were between me and the hall-door, where the city police were.

2724. Were they repulsed from the door?—As far as I could see, they were; the door was closed against them.

2725. Do you know Mr. Hogg, the big man?—I do.

2726. Did you see him there that night?—I saw him taking the tickets at the door.

2727. Now, among the city police, did you see a man named Wilson?—I did. I saw Constable Wilson.

2728. Sometimes called Sergeant Wilson?—Yes.

2729. Did you see McEnehan there?—No. I don't recollect the name of any other than Wilson.

2730. I suppose you mean the Constable Wilson that at the time you were examined was sent to bring in some weapons he had?—Yes.

2731. That is the man that said in your presence that he had taken a great number of weapons during the attack on the Corporation Hall, and had thrown them over the bishop's wall, into the bishop's garden?—He did.

2732. And did he state also, in the Mayor's office, that they were too heavy to carry?—No, I do not remember that he made use of that observation.

2733. Did you see the one that was produced?—I did.

2734. Was it a very heavy one?—It was very heavy.

2735. What appearance had it?—was it loaded?—It was loaded at the end, and there was a row of brass balls around the head.

2736. And having thrown away the others, as too heavy, he kept that one?—That is the one he kept.

2737. After they were repulsed from the Hall, did you see much disturbance in the Diamond?—Yes, a good deal of disturbance—a good deal of raving and stone-throwing.

2738. Did you see the party who threw the stones, or did they come from more than one party?—I saw stones coming from the body of men that marched down from London-street.

2739. Did they reform after they were repulsed?—They did, they re-formed in a compact body.

2740. Whereabouts did you next see them?—The next place I saw them was in the Diamond, past Mr. Hempton's.

2741. Without mentioning names, when they re-formed, did they appear to be under the command of anyone?—I know the parties nearest were leading them, but I did not see any persons or know them to be commanding them.

2742. Now, the stone-throwing at London-street, how long was it going on?—About five minutes, I should say, not more.

2743. Did you see any men at the Butcher's-street side of the Town Hall?—I saw the party that were marching past Mr. Houghton's. They marched round by the end of the Corporation Hall, at the head of Shipquay-street.

2744. Do I understand you to say that the attacking party, which was repulsed from the Corporation Hall, afterwards re-formed past Mr. Houghton's?—Yes.

2745. And then marched down the Ferryquay-street side of the Diamond, across the top of Shipquay-street, to the Butcher's-street side of the Diamond?—Yes.

2746. Did you see the Apprentice Boy party from the side at Houghton's corner?—I saw them marching down from Houghton's, from the Butcher's-street side of the Diamond, and a few of the constabulary, and I went down to meet them, and we had a full view of them, seeing them in front, and I saw the stones coming from them.

2747. Were they throwing as they went?—Throwing as they went.

2748. Now, was there an opposing mob or crowd at that time?—There was. There was a cross fire of stones from Butcher's-street.

2749. Had the Butcher's-street party been throwing stones before the other?—No, they had not.

2750. The first stones were thrown by the Apprentice Boy party, as far as you saw?—As far as I had the opportunity of seeing.

2751. In point of fact there was no stone thrown out of Butcher's-street into the Diamond until the Apprentice Boys came round the corner at the top of Shipquay-street?—That is so.

2752. Then I believe there was a general stone-throwing?—There was.

2753. I believe at that time Hill and the other people were arrested?—No, before that. I think it was before that.

2754. Whereabouts were they arrested?—Up in Bishop's-street.

2755. Did you make any arrests that night?—I assisted to arrest them.

2756. Did you see the city police arresting any one that night?—I did not.

2757. Do you know, as a matter of fact, whether they made any arrest that night?—I don't think they did. I am not aware of it. At least they arrested none of the parties that went down at that time.

2758. You remained there until the military came?—I did.

2759. Did you see any other disturbances that night beyond what you have mentioned?—No. I saw the party that came down Bishop's-street after they were repulsed from the Hall, draw their clubs. They had them concealed under their coats, and commenced to assault people about the street.

2760. Was that after they came out of the Butcher's-street side of the Diamond?—No, immediately after being pushed back from the Hall door they there re-formed, and there was a general riot up Bishop's-street.

2761. There was a general riot, in the course of which there were three men arrested?—Hill, McQuinn, and another?—Yes, McQuinn.

2762. Did Hill, McQuinn, and McQuinn belong to the one party?—I think McQuinn and Hill were of one party, and McQuinn of another.

2763. Were you here on the night of the 28th of April?—I was.

2764. Were you on duty in the town on the day of the 28th of April?—I was.

2765. The affray at the Corporation Hall occurred on the 20th of July, 1868?—Yes.

2766. I presume you saw the procession of the 15th of August, 1868?—I did.

2767. Do you hear the tunes that were played?—I did not know any of them.

2768. You are not originally a Northern?—I am.

2769. Did you see any disturbances on the night

that Mr. Dawne was elected—the night of his return on the 22nd of November?—No. I was in the corner outside during the whole day, up to a late hour, I suppose till eleven o'clock, and I did not observe any disturbances.

2770. Were you one of the men that, on that night or on any other, were in the gas-rooms at the corner of Society-street?—I was in it on Saturday night during the week of the election.

2771. When you say the week of the election do you mean the week that the election ended?—Yes.

2772. That Saturday night was the night of the day of the declaration of the poll?—Yes.

2773. Who were with you on that night?—There were seven others along with me.

2774. Seven others?—Yes.

2775. Had you an opportunity of seeing the contents of the building that night?—I was in it.

2776. You were in it?—I was.

2777. Can you tell me the names of any other constables that were in it?—There was a sub-constable named Green. I don't know all—a young man named Connolly, a sub-constable—I am telling you the names of the parties I am quite sure were there—the party was composed of men from Donagel and Derry, and some of them I did not know.

2778. That is policemen who were not originally stationed here?—Yes.

2779. Did you see any guns inside the building that night?—I saw I suppose near to a dozen.

2780. What sort of guns were they?—Common.

2781. Have you seen the Apprentice Boys out at their celebrations with their park of artillery?—I have.

2782. Were the cannons of that size?—They were.

2783. Mr. Commissioner KEHAN—What description of cannon were they?—They were like twelve-pounders.

2784. Was Inspector Stafford there at the same time?—Not at the time I was in the room, but he was there in the early part of the night.

2785. Were you there when he was there?—I was not in the room when he was in it.

2786. The room you were in, I suppose, was on the ground floor?—Yes.

2787. As far as you know, were any of the cannon loaded?—I heard parties in the room at the time saying that they were loaded.

2788. Did they say any portion of them were loaded, or did they apply it generally to the whole of them?—To the whole of them. I understood that the object of being there at all was that they heard an attack was made by the Bog-die party to take away the cannon, and that one of the cannon was out in the street, and the Apprentice Boys came down when they heard this, for the purpose of protecting them, and loaded them for the purpose of shooting any person who attempted to take them.

2789. Were they loaded with broken crockery were they?—I do not know that.

2790. Mr. McLaughlin—About how many men—out of the police, but of those connected with the cannon—were there at the time?—There were very few on the ground floor—I believe there was a large number of people up stairs.

2791. You were not up stairs?—I was not up stairs—there were not more than a dozen people on the ground floor.

2792. I don't want to know the names, nor do you give them—but had you ever seen before any of the persons you saw with the guns that night?

Mr. Commissioner MURPHY—Don't mind that.

2793. Mr. McLaughlin—Very well. (To witness.)—Were you ever on guard there but the one night?

—Never but on the one night.

2794. Did you remain on guard all night?—It was a patrol that was kept there, moving about just in the immediate vicinity of the house. I was on it. There were two "reliefs" during the night. The patrol was kept on till six o'clock in the morning.

2795. Relieved from time to time?—Yes.

FIFTH DAY.

August 28.

Robt. Constable Patrick

Boroughs

Fifth Day.
—
April 23.
Sub-Com-
missioner Patrick
Sorrigan.

2796. Did you see anything of the burning of the tar-barrels on the night of the 25th of November, the night of the mayor's election?—No; I was not in town that night. I had been removed before that.

2797. You were removed before that?—Yes.

2798. Is it of fact, you had been removed prior to the polling?—Yes, and brought back for special service, and then sent away. I was here on the 18th of December. I went away in September, and was away till the 28th of April, but I was here on duty on the 18th of December.

2799. Was there an increase of the constabulary force here on the 18th of December?—There was.

2800. About what force, as well as you can tell, were here?—I think about 100 men.

2801. About 100 men?—I think so.

2802. Were there any military?—No; I do not recollect any.

2803. You saw the celebration proceeding on the 18th of December?—I did.

2804. Did you see a procession?—I did.

2805. Flags?—Yes.

2806. Music?—Yes.

2807. Did you know any of the tunes?—I did not, I do not recollect.

2808. Was there any firing of guns?—Yes; the usual thing.

2809. There was no attempt, I believe, to part that down or prevent it?—Not the slightest.

2810. I may ask you this—being so long here as a constable, I presume you have some idea of the public feeling about those things?—I have.

2811. I believe these exhibitions are not pleasant to a large portion of the people?

Mr. Commissioner BRYAN.—I think it better not to ask the police about the state of public feeling.

Mr. McCullagh.—I am perfectly satisfied.

2812. Were you here on the night of the close of the election petition?—I was not.

2813. On the 9th of February?—I was not.

2814. So far as regards turbulence, the next time you were here was on the night of the 28th of April?—Yes, from December.

2815. Now, where did you first go on duty that day?—I went to the railway station.

2816. You were part of the guard of honour that received His Royal Highness?—Yes, on the platform, when he arrived.

2817. Did you see the band that received him immediately after he arrived?—I did not see any band at all until we were to Bishop-street. I was stationed on the platform under the command of Mr. Stafford, and I had not an opportunity of seeing the people outside, nor did I hear any music outside. There was great noise and confusion, and a rush of a great number of people to see the Prince.

2818. When you came up to Bishop-street did you hear any band?—I did—the Hibernia. I saw two bands, but there had the flag.

2819. What appearance had the flag?—It was a white flag.

2820. Did you notice the harp without the crown?—I did not, indeed. I was looking at the hotel. I saw the Prince out at the front of the windows, and my attention was directed to where he was standing.

2821. You did not pay particular attention to the harp without the crown, did you?—I did not, indeed.

2822. What was the band playing as far as you know?—They were playing "Patrick's Day" when passing the hotel.

2823. Did you hear them play "God Save the Queen," at all that day?—I did not. They may have played it without my hearing it.

2824. Did you ever hear they played "God Save the Queen," in the evening of eight o'clock?—I did.

2825. Did you see, so far as you saw, take umbrage at that band playing?—No, I understood they went there for the purpose of giving the Prince a cordial reception at the railway station, and no one seemed annoyed at the part they took.

2826. When did the Britannia Fife Band—the Apprentice Boy band—come?—It came down shortly afterwards, after the others came. It came up Stables-lane with the guns.

2827. Stables-lane is a street that leads into Bishop-street, or Gude, from the wall?—Yes.

2828. Had they been firing the guns before that?—They had. I heard the report off the wall, the Mall Wall, I suppose.

2829. Did they come down the street and also perform?—Yes, they came down playing—they had been firing a Royal salute in honour of the Prince.

2830. There was no Prince here on the 18th of December last?—Not that I am aware of.

2831. Did you see any disturbance between the two parties of the people any time that day?—I did not.

2832. Everything was quiet, I believe, up to eight o'clock?—Till about eight o'clock.

2833. There was no general mixing, or anything of that sort?—Not that I know of.

2834. Did you remain on duty during the evening, from the time you mentioned, which I took to be about two o'clock—or was it three o'clock—did the Prince come by a special train?—No, he came by the ordinary train. It came in about ten minutes past three.

2835. Did you remain on duty in the street all that time?—No, I was relieved. For a while I was off duty, and I got to my lodging and took my tea.

2836. But you remained on duty till what hour?—Till about eight o'clock.

2837. Were you ordered out again from barracks in consequence of the occurrence of a disturbance?—No, the men were ordered out on patrol before any disturbance—shortly before any disturbance—any serious disturbance—took place.

2838. Where were you living?—At Mrs. Gallagher's in Bishop-street.

2839. Close to the corner of the Diamond?—Yes.

2840. I suppose there were a great number of other police in that house?—There were some.

2841. Where did you go to?—To Ferryquay street. When I was leaving the lodging-house to go to the party, I met Constable Kennedy at Ramsey's, at the corner of Ferryquay-street.

2842. That is the corner next Shipquay-street and the Diamond?—Yes, and fear of us was patrolling Ferryquay-street for about ten minutes or so, and when we were coming from the direction of Ferryquay-gate up to the Diamond, I heard a number of shots fired—gun shots I thought, I believed some of the cannon had been brought out, from the loud report, and I saw a number of people from the lower part of the Diamond next Shipquay-street running up towards Bishop-street in the direction of the noise. We hastened up, and when we got as far as Drume's corner I saw a great number of people running down Bishop-street, from where the noise of the gunshot report came.

2843. Drume's corner is the corner of Shipquay-street and the Diamond, opposite Ramsey's corner?—It is.

2844. You saw them running down from Bishop-street towards the Diamond?—Yes.

2845. What party was running?—They seemed to be the Beg-side party. When we arrived at Hastings's corner, that is Hastings's at Bishop-street, I saw two or three of the police in "boids" with a man endeavouring to wrest the ramrod of a cannon from him. I went forward and assisted, and we made the man a prisoner, and brought him to the barracks, and took the ramrod from him.

2846. When you speak of "police" you always mean the constabulary?—Yes.

2847. Was that man named Hugh Tobin?—Yes.

2848. Did the police come in collision with him or he with the police?—He was near Society-street, and it was evident he took part in a general riot.

2849. When you arrested him you took him to the barracks?—Yes.

2850. Was there any one trying to take the man

rod from him except the police!—There were some civilians also had a hold of it.

2851. Did they belong to the Apprentice Boy party?—No, I think not. I think they belonged to the Bog-side party. They endeavoured to keep the rear. They had taken it from the Apprentice Boys. It was a cannon belonging to one of the cannon, and they tried to keep it, and the police had some difficulty in recovering it from them. They had to draw their swords.

2852. You kept hold of him and brought him to barracks!—Yes.

2853. How long did you remain in barracks!—Just to leave him there.

2854. You deposited him there!—Yes, and got on our appointments and left.

2855. Up to this you had not been in heavy marching order!—We had not gone out.

2856. You listened back again!—We did.

2857. You would be back in seven, eight, or ten minutes!—Back, I suppose, in five minutes.

2858. What road did you take coming back!—We came up Lincenall-street, into Ferryquay-street, and along the Diamond again.

2859. You came into the Diamond at the side next Ferryquay-street!—Yes.

2860. What condition was the town in then!—As far as I could see it was in a very disturbed state.

2861. Did you still hear shots!—No. I did not hear any more at that time. When we were returning back to the Diamond there was a man arrested. He was arrested for making a sort of political harangue to a number of people there, and I, along with a few other men, went to the police-station with him.

2862. Mr. Commissioner REIDAN.—What side was he of!—He belonged to the Bog-side party.

2863. Mr. McLaughlin.—Do you mean the city police station!—Yes.

2864. Beyond Bishopsgate, next the gaol!—Yes. We searched him and left him there. We remained for some little time, and then I, with another constabulary man, went back, down as far as where Society-street opens on Bishop-street, and we met the Head-Constable there.

2865. What is the name of the constabulary man that was along with you!—Sub-Constable Byrne.

2866. Is he here do you know!—He is not.

2867. Where is he stationed!—At Eglington.

2868. You met your Head-Constable, that is Davis!—Yes; we went down Society-street then, and when we reached as far as the corner of the house where the cannon is kept, there were a great number of people—over 100, there on the walk—and about it as low down as Butcher's-gate. We went down Morning-horse-row, in the direction of Butcher's-gate, and when coming near to Cunningham's corner we saw stones firing from the direction of the gate.

2869. As far as you observed at that time, of what party were those on the wall and gate composed!—Those on the wall and in the vicinity of the gun room were the Apprentice Boy party, but the party under the gate belonged to the Bog-side party.

2870. And stones were being thrown from the direction of the gate!—Yes, up Butcher-street, and the Head-Constable ordered us to fix swords, and I heard a voice from the gate shouting in derision, "fix bayonets." When we reached down as far as the corner there was a young lad stationed under the lamp with stones in his hand, and one of the men ran to catch him. He ran across the street. The man ran after him, and then without any provocation whatever from the police, the party under the gate and about it commenced to stone the police violently. There is no doubt, when the police were meeting at Butcher's-gate, from the gate up was quite clear of people, and there was no opposing party before them.

2871. In Butcher-street, from the gate up, there was no opposing party!—There was no opposing party but the police. There were five men there at the time.

2872. Was this the time at which the Bog-side party were gathered in the Diamond, unable to come down

through the Butcher's-gate!—No, it was after that; it must be after that. I received a very severe blow on the left eyebrow. At the time we were in Butcher-street stones were thrown. I was struck in the eye, and the mark of it is there still. My eye was closed, and blood running from it profusely.

2873. You say that, at the time the police met the stone-throwing, the space from Butcher's-gate up to the Diamond was clear!—It was.

2874. Where did you go after that!—Up to the Diamond.

2875. As far as you can charge your memory, what hour was this!—It was near, I suppose, nine o'clock.

2876. When you went to the Diamond did you find any people there!—No, there were not many in it at that time.

2877. What was the next thing you saw in the history of the night's transactions!—Well, I suppose there was firing in Butcher-street at that time.

2878. Some firing!—Yes.

2879. By the constabulary!—Yes.

2880. The constabulary were, I believe, being "peppered" with stones, and the stones got thicker!—They did.

2881. And the lives of the police were greatly in danger!—Yes.

2882. And the lives of the police being in danger, certain of the police fired!—Yes.

2883. And nothing happened in the way of death or wounds—no not that so!—No, no one was injured; but the parties fell back, and then the constabulary went up as far as the Diamond.

2884. At this time what was the strength of the constabulary!—Five men.

2885. But I suppose those five men effected a junction in the Diamond with another party!—No, there were none others when they came up, at least, to meet them there. It was then I told the Head-Constable of the cut on my eye. I went forward and showed him my eye—that it was almost knocked out, and I asked him to go with me to the doctor to get it dressed, and after some time we went up as far as the hotel to see the Mayor. We waited some time there, and the Head-Constable came in and said the Mayor was not in the hotel, that he had gone to his own place, he was informed. We then went down to the Mayor's house, and the servant told us we must be at the hotel, for he had left the house to go out, and had not returned. We went back to the hotel again, and endeavoured to see him, but we could not; we would not be admitted.

2886. I suppose all this time the row was getting warmer and warmer outside!—No, there was a lull for a time after the firing.

2887. Did you hear pistol shots again about that time!—No, I did not hear any pistol shots.

2888. From the time the first volley was fired by the constabulary!—No.

2889. You did not see the Mayor the second time you went back!—No.

2890. This firing in Butcher-street—you have been present during the entire of these proceedings!—I have.

2891. This is, I believe, the first time the firing in Butcher-street has been mentioned.

Mr. Commissioner MURPHY.—Mr. Stafford mentioned that he heard it.

2892. Mr. McLaughlin (to witness).—You left, you say, without seeing the Mayor!—I left without seeing him. We endeavoured to see him.

2893. Mr. Commissioner MURPHY.—Where did you go to then!—We went down to Dr. Dunn's Medical Hall at the Diamond.

2894. Mr. McLaughlin.—To get your eye dressed!—Yes. I got it dressed, and went on to duty again with the head-constable. I did not like to leave the men, they were so few, and I went out again, and did duty as long as I could, and Mr. Stafford came up when we were standing at the Corporation Hall, and his attention being called to the wound I had received, by the head-constable, he ordered me to my barracks.

Form D
August 23.
Sub-Com-
missioner Patrick
borough.

First Day.

August 25.

Sub-Com-
missioner Patrick
Savagha.

2395. And you saw no more that night?—I saw no more that night.

2396. Can you tell me the names of the constables sent for that?—Yes, Head Constable Davis, Acting Constable McLaughlin, Constables Hannan, Price, Patterson, McCutcheon, Byrne, Peters, Reid, and Patrick O'Reilly.

2397. Give me the names of any other Constables that were out that night?—Sub-Constable Kilsely.

2398. Is that the mounted man?—No, O'Donnell is the mounted man.

2399. Was O'Donnell there that night?—He was.

2400. Tell me any other Constable?—Sub-Constable Rutherford and Constable Kennedy.

2401. That is the tall powerful man at Waterside?—He is a big stout man.

2402. Is Constable Kennedy in command at the Waterside station?—He is.

2403. What men had he under his command at that time?—McLaughlin, Reid, O'Reilly, and Duffy, I think.

2404. What is Duffy's Christian name?—Patrick.

2405. Is he a Sub-Constable?—He is.

2406. He is not sent for that?—No.

2407. These men were also out that night?—I think Duffy was not.

2408. You saw nothing more?—Nothing more from the time I went to bed.

2409. Mr. Commissioner MURPHY.—I want to ask you a few questions. The first firing you heard you said was so great that you thought cannon had been brought out. Are you able to say, from the discharge, whether there were more shots than one in that firing?—There would be at least from the report a dozen.

2410. And as well as you can fix the particular place, would you say it took place from Mr. Rannay's corner—the corner of Society street, where it opens on Bishop-street?—About that locality—I was in Ferry-quay-street at the time.

2411. And immediately after you heard those shots you saw the crowd rushing from the place?—Yes, Bishop-street was full of people, running from that direction towards the Diamond.

2412. Did you answer to Mr. McLaughlin that you distinguished the crowd, so running towards the Diamond, as being of the Bog-side party?—They were the Bog-side men. They belonged to that party principally. I saw a great number of them.

2413. Is it your opinion that they were in retreat from the firing?—They were in retreat from the firing—flying from it.

2414. Flying from it?—No doubt of it—women and men running down the street.

2415. These cannon that you saw that night in the house where you were on patrol, were they so mounted that they could be easily put out of the building and brought into action?—Quite easily—they were on the ground floor, so mounted that they could be brought into the street without much difficulty; two men could bring out the heaviest of them.

2416. Are you aware yourself whether there was any opposing fire or crowd out that night?—No; from the time I went on duty, there was none in sight of the gun-rooms.

2417. I don't mean in sight of the gun-rooms, but was there great excitement, and a rumour of another opposing party being out?—There was a great deal of excitement. I suppose the constabulary men were placed to prevent the guns being brought into action if they were loaded by one party against the other?—And to prevent them being interfered with by the opposing party.

2418. To prevent them getting possession of them and turning them on the party to whom they belonged?—Yes.

2419. Mr. Commissioner KEENE.—On the night of the 26th of July did you see any bagistrate outside the wall?—The night of Mr. Down's lecture I saw the Mayor once, standing on the sidewalk next to Ferry-quay-street.

2420. Was that shortly after the party came down Bishop-street?—It was shortly after.

2421. You say some of the constabulary were in Bishop-street as they came down?—They were, most of them.

2422. When did the attacking party show their weapons?—When within about ten yards of the Hall four that were in the front drew their bludgeons from under their coats and gave a kind of shout to "come on boys," and, without going forward to the door to ask admission or the like of that, they just rushed forward and made the attack on the door.

2423. How far were the constabulary from them at that time?—A few paces. They were scattered. The police were not standing at all, but going backwards and forwards along the street.

2424. Did you see some of the local police—the men at the door—try to arrest those men?—No, they did not. They tried to put them back after they made the attack.

2425. After they made the attack?—Yes.

2426. Mr. Commissioner MURPHY.—Had you a view of the exact position of the city constables when the party made the rush at the door?—From the rush I had the opportunity. They were standing on each side of the half door. The door opens in the centre, in halves. One half was shut, and the public were entering by the other half, which was left open, and the city police were standing on each side of it.

2427. At the little rolling up at each side?—Yes.

2428. When the rush was made at the door were you able to see what the city police did?—No.

2429. Mr. Commissioner KEENE.—Was the rush sudden?—Quite sudden. They marched on steadily until within nine or ten yards of the door.

2430. And then they suddenly pulled out these things and made the rush?—Yes, and after they reformed they concealed the weapons again and marched through the town.

2431. Mr. Commissioner MURPHY.—They marched through the town?—Yes.

2432. Were you able to form an estimate of their number?—At least forty were in the mob that marched down, and there was a number of people along with them, on each side of the street.

2433. Mr. Commissioner KEENE.—After re-forming—the main body—how long was it before they came back to the Hall?—They were away about ten minutes.

2434. Then you observed the stone-throwing at the windows?—Yes. The first stone-throwing I observed was at a number of people standing at the Butcher-street side of the Diamond.

2435. Were the persons standing at the Butcher-street side of the Diamond the Bog-side people or party?—The Bog-side people.

2436. Did they begin to return the stones at the other party?—Not answered.

2437. Did the party fire much?—They did, until the military came. A serious riot took place.

2438. But did you observe that the other crowd—the Apprentice Boys' crowd—did you observe them breaking the windows of the hall—did you see them do that?—Yes; missiles were thrown by them immediately after they marched down, and the attack was repulsed, and they were driven back from the door; stones or some missiles were thrown out of the windows, and I heard the glass flying, near to where Mr. O'Neill was standing.

2439. Could you see Mr. O'Neill?—I could.

2440. Inside?—Inside.

2441. At that time the shutters had not been closed?—No, nor were they closed in that part of the building—that is not the lecture room.

2442. That is the Read-oven?—That is the Read-oven.

2443. Did you afterwards see, while you were there, the other portion of the windows smashed?—No, I did not see them smashed; the next day I saw the glass.

2444. How was it that the constabulary about

there did not make an effort to prevent the breaking of the windows?—I suppose they were too scattered.

2945. Too scattered?—And too few, there really was not enough of force; and I think it would be unwise to make arrests if we could avoid it. It would take all the men we had to arrest one man.

2946. Mr. Commissioner MURPHY.—It would take three or four to bring a man to handcuff, and then the place would be left unprotected while you were away?—Yes. They were identified. A number of them were identified and sent for trial.

2947. Mr. Commissioner ERIAM.—It would be just as unwise for the city police to attempt to arrest them?—It would take all the police there to take one to the station, from the crowd that filled the place.

2948. As the party rushed down to the door of the Hall, did you discern anything like an opening of the

city police, to make room for them?—I did not. But I would not be surprised at it either, seeing a body of men coming down better armed than the city police were.

2949. Mr. Commissioner MURPHY.—They could not stand before them?—They could not.

2950. Mr. Commissioner ERIAM.—They could not stand the rush?—They could not.

2951. Suppose you were there yourself, with an equal number of your own comrades, do you think you could prevent the rush to the door?—I could not, if we were armed as the city police were on that occasion.

2952. If you were armed as the city police were, with an equal number of your own force, you could not prevent the rush at the door?—I could not prevent the rush at the door. It is impossible five or six men could prevent forty men rushing in.

First Day
August 31—
Sub-Com-
missioner Patrick
Sweeney

John Courtney examined by Mr. M'Loughlin.

John
Courtney

2953. You were examined before the magistrates?—Yes.

2954. You remember the night of the attack on the Hall?—Yes, I do.

2955. I believe at that time you were in the employment of your brother, a person who keeps a shop at the corner of London-street and Society-street?—Yes.

2956. I believe the Hibbard Fintz Band room was towards the rear of your brother's premises, with a gate opening into London-street?—Yes.

2957. On the day of the night on which the attack was made—don't mention any names—but did you see quantities of drink sent into that room?—I did.

2958. Do you remember, after the drink was sent into the room, seeing a number of persons gathering and going up the stairs?—Yes.

2959. Now, do you remember seeing, later in the evening, any of those persons coming down the stairs?—Yes, I do, several.

2960. About how many did come down stairs and turn out?—About 150, to the best of my opinion.

2961. There is a long entry towards the rear?—Yes, the gate opens upon the rear.

2962. Did you see them falling in there at that gate?—Yes; the word was given to—

2963. The word was given to fall in?—Yes. I did not see the men that gave it.

2964. Did you march before the magistrates the name of the man who gave it?—No, I did not.

2965. Under the direction of somebody they fell in?—Yes.

2966. And then marched away?—Yes.

2967. That somebody under whose direction they fell in and marched away did not go with the main body?—I did not see him follow.

2968. When the word was given they marched out?—Yes.

2969. They were in command of a certain person?—I do not know that; I saw a person standing in front when they got the word.

2970. Did you see that person come back before the main body came back to London-street?—Yes.

2971. Was that after the repulse at the Hall?—Yes.

2972. Did you see any of those that marched out afterwards in the band room that night?—Yes; some of them came in at the gateway.

2973. And I believe they were manufacturing weapons?—Yes.

2974. But the weapons they were manufacturing were not those [exhibiting the toothed bludgeon]?—No.

2975. Mr. Commissioner ERIAM.—What weapons were they manufacturing?—They were breaking up crates and boxes.

2976. Do you know a good number of those [bludgeons] remained with the police after the repulse?—No.

2977. Did any of the whiskey that went up stairs ever come down—unless inside the main?—No, I never saw it.

Mr. William Young examined by Mr. M'Loughlin.

Mr. William
Young

2978. You are a merchant in Derry?—Yes.

2979. Residing here for the space of ten or twelve years?—For fifteen years.

2980. I believe you are largely in business, and know the public feeling well?—I do a large business, in the provision and grain trade.

2981. In that capacity you travel a good deal through the county and its neighbourhood?—I do.

2982. I believe you are a Liberal in politics and a Presbyterian in religion?—Yes, I am.

2983. You took a prominent part in the late election proceedings?—Rather.

2984. Do you remember the night of the attack on the Corporation Hall?—I do.

2985. Drawing your attention to one portion, and to one portion alone, of the proceeding, were you present when Mr. George McCreery and Mr. Charles O'Neill went to the Mayor about the threatened attack, or do you know that they did go?—The first information we got was—

2986. First—I suppose you were one of the committee who had charge of the arrangements?—Yes; we desired Mr. Deane to write to Sir Edward Bull,

Mr. Reid at that time, and he did so. Then we heard there were certain preparations being made, to make it more serious afterwards, and we engaged a number of men to protect ourselves.

2987. Those men were, I believe, engaged by you?—They were. I was the only man in the place at the time that was acquainted with, or at least accustomed to, engaging labouring men in the town.

2988. You occasionally have to engage men in connexion with shipping—to unload vessels, and all that?—Yes.

2989. Now, how many men did you engage, for the purpose of protection?—Fifty.

2990. Did you engage them, directly or indirectly, for any other purpose except to preserve yourselves from any invasion or attack?—I engaged them for nothing else but to stand in the lobby of the Hall, ranged at both sides, and they had no weapons of any description or form; and when the party attacked the Hall, they all mustered together to the door, and by that means prevented their getting in; but they had no weapons of any kind.

2991. You had not sufficient confidence in the ar-

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Mr. William
Young.

magnanimity that would be made, to dispense with your taking this presentation yourselves.—The thing looked serious from the information we got.

2992. And the actual attack, afterwards made, justified the information received?—The actual attack was just as the information warned us.

2993. With respect to the information you got, did you hear that things like this (the badges previously produced) were being prepared at a certain establishment?—We got information first that there would be an attack; then we got information that certain weapons—I don't know what precisely—were being prepared.

2994. Mr. Commissioner Murray.—But some weapons?—Yes.

2995. Mr. McLaughlin.—Where were you when the attack was made?—I was standing looking out of the window in the Round Hall.

2996. I suppose what you saw corresponds with what has been already described?—Yes.

2997. Did you see anything of the affair of the 28th of April?—No; I saw nothing of it.

2998. You are not originally a native of Derry?—No.

2999. I would say from your account you are a Scotchman?—Yes.

3000. And you have been living here many years?—Yes.

3001. Do you know of these displays that have taken place here from time to time?—Yes.

3002. Do you think they tend to the peace of the city or the reverse?—Lastly, I think they have a tendency very materially to the reverse.

3003. In your opinion—you are a man of experience—are they injurious to commerce?—Well, I could not say that—we don't mind them.

3004. But you have observed different classes of the people—some in your own employment—do they mind them?—Well, I could not tell.

3005. Is there not a good deal of discussion amongst them about these things?—There is a discussion about through the town. I cannot speak for my own men, for I never inquired; but they have a bad tendency, if men are inclined to go out at all hours.

3006. You are talking of those who take part in the displays, but I am talking of those who differ in religion, and politics from those joining—they don't like these displays?—They do not.

3007. And they have a tendency to create riot?—I have no doubt of it. I think they take many persons to the public-house.

3008. You would have no displays of any sort?—I would say, if they have any displays, let them be kept within doors.

3009. Mr. Commissioner Murray.—As far as your experience goes, you would put a stop to displays of every kind?—I would.

3010. Mr. McLaughlin.—Do you know whether much public confidence exists in the city police?—I have no direct knowledge of it.

3011. But as regards public feeling?—We had not much confidence in them on the night of the lecture—that is all I know.

3012. Mr. Commissioner Murray.—They were not so formed, or in such numbers, as to be able to prevent the men getting in?—There were only eight of them at the hall door—four at each side.

3013. Mr. McLaughlin.—Though the authorities had been warned that some such thing was to be apprehended?—Yes, I understood Mr. Downe so told them.

3014. Mr. Commissioner Murray.—Were you apprised by the gentlemen, when they came back, that Sir Edward Reid stated to them the preparations he intended to make?—No.

3015. You did not know of that?—No.

3016. We heard from Mr. Hagg that Sir Edward Reid stated to him and to the other gentlemen the preparations he intended to make, and that they were intended?—We acted on something we heard after that.

3017. Did you believe that Sir Edward Reid was going to make preparations?—We understood, from his getting notices from Mr. Downe, that he would make preparations. Of course I could not say for certain that Mr. Downe got an answer, but I suppose he did.

3018. Do you consider, from what you have seen and know of public feeling, that it would be better to have one force, say of the Irish Constabulary, as the police of this city?—Decidedly.

3019. A force altogether of one denomination, and that denomination the regular constabulary of the country?—Yes.

3020. Mr. McLaughlin.—You don't mean of one religious denomination?—No—no.

3021. Mr. Commissioner Murray.—By one denomination I mean one force, one body—not a mixed body—got two separate and distinct bodies—but one force, and that force the Royal Irish Constabulary?—Yes.

3022. As far as you know, would the inhabitants of this city have any objection to pay increased taxation, if necessary, for that force?—Whatever may be necessary, I suppose not.

3023. You yourself as a taxpayer here—as one of the largest in town—would have no objection to pay your fair quota for getting increased protection?—No; and I suppose I am one of ten of the largest taxpayers here.

3024. Mr. Commissioner Murray.—You think those processions tend materially to disturb the public peace and tend to create riots?—Yes.

3025. Now, on the eve of any of these processions are you able to notice any change in the people?—I never saw a cannon fired, although I am fifteen years in Derry.

3026. Do you know that the people are set more against each other on the eve of these processions, and that they exhibit political and religious feeling between parties?—Naturally they do, no doubt of it.

3027. I suppose you have in your employment people of different religious persuasions?—Yes; I never asked them, but it is the fact.

3028. You have in your employment Protestants, Roman Catholics, and Presbyterians?—Yes.

3029. And I suppose, excepting when these special occasions engender bitter feelings, they get on very well together?—Oh, yes. I never saw any ill-feeling in my place.

3030. Of one towards another?—No.

3031. Has the stability of yourself and other gentlemen in business, with respect to these processions, increased lately?—Yes, because the contentment of the denomination that look upon them as antagonistic to them is getting more bitter—more liable to break out, as you might call it.

3032. More likely to break out—seeking to oppose—you think?—No doubt of it.

3033. Looking on them as opponents, you think, then, the resolution is gaining ground to offer opposition to them?—Well, I think so.

3034. Mr. Commissioner Murray.—Armed opposition?—I could not say that.

3035. Did you hear anything of this large quantity of arms being got?—Oh, I never heard anything of it until I heard it ventilated or spoken of here—or at least since I read the report, for I was not here.

3036. Mr. McLaughlin.—I suppose the men whose statements conveyed the information of these arms, being in existence, are men in whose word you have confidence?—No doubt they are; no doubt of that.

Constable *Thomas Henry Kennedy*, &c., examined by Mr. *McLaughlin*.

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Constable
Thomas
Henry
Kennedy

3047. You are in charge of the *Water-side* station of the *Derry* constabulary?—I am.

3048. You have been so for some time?—For two years past.

3049. Now, *Water-side* is a part of the city, in which there is average turbulence, I would say?—Well, it is, I am sorry to say.

3049. I believe there used to be rowing at *Water-side* even when there was none in the city proper?—I believe so; but I am happy to say it has greatly improved. For the last two years it has been considerably quiet.

3041. Were you on duty on the night of the attack on the *Corporation Hall*?—I was. I was mixed up with nearly everything of importance that has occurred in *Derry* for the past two years.

3042. Tell the Commissioners, in your own way, what you saw on the night of the attack on the *Hall*?—Well, sir, I, with what men could be spared from *Water-side*, were brought over to the city under *Inspector Stafford*, and *Head-Constable Bailey*, and other men. We were some eight or ten in all. We anticipated an attack would take place, from what we heard during the day, and we were scattered about the *Hall*—what we call the north part of the *Town Hall*. We noticed this attacking party coming down *London-street* in a solid body together, with somewhat a military appearance. When they came within a few yards of the *Hall* they broke into a "double" so, as you would call it, a trot, and made a great onset to get inside the *Hall* by force. Mr. *Hogg*, the tall young man, was inside. I noticed him. He resisted them going in, and when they found they could not get in, on the first attack, they drew sticks from under their arms and coats, and those few city police on each side of the *Hall*, guarding or rendering what assistance they could, they laid on very severely with the sticks.

3043. Mr. Commissioner *MURPHY*?—They laid on the city police?—They did. I called head constable *Bailey* and said "This is very bad—these poor fellows will be killed"—the city police. We rushed in and peaked back what I would call the leaders of the *Apprentice Boy* party, and got the attack repulsed or the party driven back. They then scattered about the *Diamond*—what we call the *Apprentice Boy* party—and re-formed here and there, but there was nothing of such an attack again by them. Soon after that the stone-throwing took place, but Mr. *O'Neill*, one of the magistrates, had noticed this from what is called the round room window, and he then consulted with others inside, and thought of sending for the military, and the military were sent for. I noticed *Sir Edward Reid* making himself very active during the night to preserve the peace. The great crush, or rush, was over and the harm done before the military got over to us, but the stone-throwing was going on from *Ferryquay-street*, and I saw *Sir Edward Reid* moving around from place to place, in the *Diamond*. I told him they were throwing stones from *Ferryquay-street*, and I, with constable *Dunn* and *Sir Edward Reid*, went and reasoned with the people to drop stone-throwing, and soon walked away. A man who is known as the leader of the *Apprentice Boys*, Mr. *Ferguson*, appeared amongst them, and said "Drop stone-throwing. Come away from this"—then they turned down *Pump-street*; but I may say the whole city was for a considerable time in confusion, especially the place about the *Diamond*.

3044. Mr. Commissioner *ERHAM*?—Did you observe the *Bog-side* party out that night?—Yes, I did. I identified some of them on both sides, and so did the city police, but there was a great deal of the *Bog-side* party in *Butcher-street*.

3045. Were they throwing stones at their adversaries?—They were.

3046. You had not force enough to prevent it?—That is the great failure in all our rioting—we have not force to meet these things.

3047. Mr. Commissioner *MURPHY*?—When there is a party conflict do the city police get their share of what is going?—We always get it from the mob on both sides.

3048. Mr. Commissioner *ERHAM*?—Do they give it to the city police as well?—Oh, they do not spare them.

3049. You saw the city police get their share—you were along with them?—I was. I would not wish to be on duty with them on such unpleasant occasions, when they could do no more—

3050. Mr. Commissioner *MURPHY*?—They are not armed?—All they can do is handle the sticks which they have.

3051. Mr. Commissioner *ERHAM*?—You say you saw *Sir Edward Reid* almost the whole evening?—I did. He was very active.

3052. He was Mayor at that time?—He was.

3053. He was doing all he could—reconstituting with both sides?—Yes.

3054. And you too?—Yes.

3055. Doing your best?—Yes.

3056. Tell me this. Is it correct to represent that when the rush was made by the attacking party, the city police at the door opened for them to enable them to make the rush?—I don't believe they did anything of the sort. They were posted at each side of the door and they struggled to keep the crowd back, and the *Apprentice Boys* laid on them with their clubs or square weapons.

3057. You saw them strike the city police?—I did. They got a good deal from them; they (the attacking party) had staves, long, hard, and round.

3058. Mr. Commissioner *MURPHY*?—The city police, did they attempt to drive them off?—They did; they could do no more than they did that night.

3059. Mr. Commissioner *ERHAM*?—Do you say the city police exerted themselves as fairly, in proportion, as your men did?—I do; but unfortunately it is the case when there is serious rioting or stone-throwing they have nothing but their sticks.

3060. They had nothing but sticks in their hands?—Nothing but sticks.

3061. They have not even the baton, such as the *Dublin* police have?—No.

3062. Nor any side-arm?—No.

3063. No sword or anything of that sort?—No. They are always overpowered, and I don't wonder at them hiding sometimes, or going out of the way, for they have nothing to defend themselves with.

3064. Did you observe any other magistrate that evening outside the door except *Sir Edward Reid*?—I observed Mr. *O'Neill*.

3065. He came out?—He did, and went to meet the military, and met them coming up. I saw him standing with the military officer on duty there.

3066. To the best of your belief your own force did their best that evening to prevent trouble, preserve the public peace, and make arrests?—We did all we could, we made out a good many of them; different parties.

3067. Mr. *McLaughlin*?—Do you say that the city police did all they could that night to preserve the peace and make arrests, and could do no more?—I do not know about arrests, but they could not do more, they were overpowered at the attack on the *Hall*, they were overpowered and had to give way and leave the place.

3068. Go now to the next local disturbance you saw—was it at the visit of *Prince Arthur*?

3069. Mr. Commissioner *ERHAM*?—Before we go to that I would like to know about the affair at the *Glen* the 12th of July before that?—That was on a Sunday.

3070. Yes; you were there on the Monday?—I was, with Mr. *Stafford*.

3071. You heard what has been described about there being 700 men in the *Glen* drawn up in ambush?

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ler
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—They were there ranged in different positions somewhat of a military description.

3072. About how many were there in the Glen to oppose the other side?—I should say some four or five hundred at least.

3073. Were they all armed?—They seemed to be armed, but the whole assembly seemed to be strangers from one part or another.

3074. They were all strangers?—Not Derry people?—Yes. There was a very large body of Orangemen—seven or eight hundred—marching, before they broke up.

3075. Were they armed?—They had about ninety guns—in addition to small arms—pistols.

3076. Had the Glen party guns as well as pistols and revolvers?—Yes. I saw guns with them too.

3077. Did you come into Derry that evening?—Yes. I was out in Derry after the Glen business was finished.

3078. Did you see some rioting that evening?—There was some at Berrygarra between the Orangemen and the Roman Catholic party.

3079. Do you know was any arrest made that night in the town?—There were several arrests. I saw the men make arrests in town.

3080. Do you know anything of the arrest of a man named Doherty?—Yes; I think Acting-constable O'Donnell and Head-constable Bailey arrested him and another man named Wright. They were up in the police office the next day. Wright was up in the Orange party, the other was not.

3081. What was Doherty arrested for?—I am not sure.

3082. Did you hear at the police office investigation?—Yes. I did. There was some trial. I was not the prosecutor, and I did not stop long.

3083. Was there a large number of rank-and-file in Derry that night of the 12th?—There was, and fighting was going on between them, and there was a stir up about Tamlachta—about four miles from this. In the year '67 a few dozen Orangemen, passing over the little bridge there, were set on and beat, and the little ornaments connected with the society broken and sent down about, and the spirit of revenge was in the Orangemen about the country since, and that, I suppose led to the display on the last 12th, but the Orangemen did not come down the Glen.

3084. Were you in the Glen on the last 12th too?—I was there—there was a large crowd. I was not there immediately with them. Sub-Inspector Banley from Longford was, and I had to stay with him.

3085. Well, passing from that, what next did you see after the night of the 26th July. Do you recollect the night of Mr. Devine's return?—I do. I was not here, I was at Waterside.

3086. You knew nothing of what took place that night in Derry?—Nothing—but I knew enough of the announcement of his final return.

3087. Do you recollect last St. Stephen's day?—I do very well. I have a clear recollection of that day. What are called the Bogside band, or the Hibernian band, with their peculiar flag, a white flag, with, I think, green fringe on it, and without a crown, came over to Waterside about one o'clock in the day, on the 26th of December.

3088. Were there many with them?—More than a hundred, at the time when they came over the bridge. Some that came along the bridge, did not come over, in consequence of having to pay the toll, therefore they stopped. They took some refreshment at a public-house, at Waterside. Whatever men I had, I turned out, and kept moving about the streets.

3089. At your side?—At my side—after they stopped some half hour, or hour, at the public-house, they returned. At the new bridge, I met Mr. Stafford forsooth, and we were able to get all our men together, and we followed them over the bridge. When they came to the toll-house some of them did force their way amongst the collectors, and assaulted them—they were a very large body then—and they passed along Foyle-street.

3090. About how many had the crowd increased to then?—To between two and three hundred.

3091. Was the band playing then?—They were playing different airs—I think "Patrick's Day," then they got up "The Wearing of the Green"—that is an air sometimes played amongst them; and as they walked along Foyle-street some shots were fired, occasionally, on the way.

3092. Is that considered a party tune?—In Derry? It is known in Derry as a party tune.

3093. Would you say "Patrick's Day" is looked on here as a party tune?—Oh, it is.

Mr. McLaughlin.—It played by Roman Catholics the other party look upon it as an offensive air.

3094. Mr. Commissioner ENHAM [to witness].—Do you recollect any of these parties being brought before the magistrates for their conduct that day when passing over the bridge?—I know the toll collector made out a good many of them, and they were summoned by him for not paying the toll, and the magistrate inflicted fines of 2s. 6d., in some cases 4s. 6d.

3095. About how many were summoned?—A good many—about twelve or fourteen I think—I am not very clear as to that now.

3096. When they passed the toll bridge what o'clock was it, that evening?—Between two and three.

3097. Did you go after them?—We did, but a second band, what is called a workman's band, went over again to Waterside.

3098. This is a third band; there appears to be no want of bands here. Is it a sort of neutral band, this last one?—It is called "The Bridge-street Band." It is principally Roman Catholics belong to it.

3099. Is it looked upon in Derry as a party band?—Oh, it is.

3100. Mr. McLaughlin.—Do you say the Tradesman's band, not the Hibernian Flute Band, is regarded in Derry as a party band?—Well, I heard the remark made.

3101. Is it, or is it not, a party band?—I am endeavouring to give whatever information I can; I am not a member of it.

3102. Now, do you say that the Tradesman's band is regarded in Derry as a party band?—Well, I heard it remarked as one, and I heard the Britannia remarked as another, and I heard the Bogside.

3103. Is the Tradesman's band regarded as a party band just as the Britannia Flute Band?—Well, I would say their movements are not so much looked after as the Bogside.

3104. Mr. Commissioner ENHAM.—The other band that came across at two o'clock, where did they go to?—They passed along Foyle-street, the crowd still increasing, until they came to Waterside-place, and turned into William-street.

3105. Had they a flag with them?—They had.

3106. And unfurled?—And unfurled. It was exhibited.

3107. And at the time it was exhibited were they playing "The Wearing of the Green"?—Sometimes they were playing it.

3108. Did you and Mr. Stafford, with your party, follow them?—We did, and Sub-Constable Duffy arrested one of the leaders for firing a pistol in the crowd.

3109. Were they firing pistols then?—They were. The pistols were fired only when they halted down at the Bogside.

3110. When you say they were firing pistols was it as a mark of defiance, or anything of that sort?—Oh, no. It was in a kind of bravado. They fired in the air.

3111. They had no object?—Nothing except a piece of folly.

3112. Where did they go to then?—They scattered down into whatever place or room they used to edge their little affairs in, but I know they broke up there.

3113. Have they a place of meeting?—They have a place where they join, and leave, and return to.

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3114. A sort of society-room or place?—I think so.
3115. Is that inside or outside the wall?—Outside the wall, at the Bog-side they call it.

3116. Did you see anything more that day?—Nothing. We returned to the barracks satisfied that we had preserved the peace.

3117. Did nothing take place?—Nothing took place but some moving about the street; nothing of any consequence. There might be a stone thrown, or a crack of a stick, but there was nothing of any consequence.

3118. Do you know anything of the night the late Dr. Babington was elected Mayor?—Yes, there was a good deal of excitement regarding, I would say, the burning of the tar barrels.

3119. Do you mean the night he was elected or the night he came into the office, or both?—I do not know which, but I know on one of the nights, whether it was the night he entered on his office or was elected, I don't know, but there was a great deal of tar barrel burning at the Waterside.

3120. You saw the last of them, I suppose?—Yes. I was amongst them, and kept patrolling.

3121. Were there tar barrels at the Waterside?—Yes.

3122. Were you in the town that night?—I was not over here.

3123. You were raging about the Waterside?—Yes.

3124. Was the Briton band out that night?—Oh, there was no band with us that night.

3125. Was there any opposing party that night?—Oh, it seemed to be matter that all the people partook in. There was no feeling about it.

3126. As far as you could observe, was the proceeding of the tar barrels, that night, looked upon as offensive to any party?—Well, I think not. I know there was a strong feeling or opinion in favour of the late Mayor, but I would say it was principally amongst what are called the Protestant party.

3127. Did you hear any of the Roman Catholics expressing themselves as offended or annoyed by it?—Well, no, I did not.

3128. On the night Mr. Dowse was declared elected, the 30th of November, did you see anything more?—No, nothing remarkable. We were at Waterside, there were some tar barrels there—some six—

3129. Twelve more than that?—No.

3130. No opposing party?—No, not that night.

3131. Do you recollect the night the petition was denied, the 5th of February?—Yes, we saw a good deal of this. News came over to the Waterside that an attack was made on the police here, and that there was an affair at Bishopscote, and fortunately for us the people at one side left us and went over to Derry.

3132. They started the moment the news came?—Yes.

3133. What was that crowd composed of?—Principally of what they call the Roman Catholic class.

3134. Did you come over, or keep at your post on the Waterside?—I had only three or four men, and I knew they had a strong force in Derry. I therefore thought it right to keep my men at Waterside that night.

3135. Was there any conflict at your side that night?—No; we were all in harmony that night.

3136. About what number would you say came across when that news arrived?—A great many. I would say fifty passed over the bridge.

3137. Were any of them armed?—I do not know what arms they had. I did not see any arms amongst them.

3138. Now as to the night of the 28th of April last—where were you that night?—I was one of those on duty in the Diamond, with Head Constable Davis and other men.

3139. What was the first firing you heard that night?—Well, I will come to that. The Prince came, and we saw him in the different movements through the city. During the evening there was a good deal

of excitement—there was cheering amongst the people, and then groaning when they met the opposite party, and these two bands were out. What is called the Roman Catholic band escorted the Prince, going in front with their flag, and they left him at the hotel. Immediately afterwards the Apprentice Boys, who had left the wall, came round through Society-street—they had a band, and they played opposite tunes to what their adversaries played.

3140. When you say "opposite tunes," was any band playing party tunes that day?—The Roman Catholic band when they first appeared in procession played "Patrick's Day." I also heard them play "God save the Queen," opposite the Imperial Hotel, where the Prince was. Then afterwards the Apprentice Boys' band began to play their own peculiar air.

3141. What were they?—"Derry Walls Away," "The Protestant Boys"—I heard that once or twice.

3142. The other air—"The Wearing of the Green"—did you hear that played?—Yes, I heard that.

3143. While they were carrying that white flag?—Yes.

3144. What time was that?—That was just as the Prince came—about three o'clock.

3145. What happened then?—The Prince went into the Town Hall—we were about the sheds—there was a good deal of excitement. Bishop-street, here, and opposite the Imperial Hotel was crowded with people and the military force. We presented arms as he passed, and then went home to barracks. But the state of excitement, and the bad feeling was very evident, and during the evening Mr. Stafford, our officer, directed us to get our accoutrements, and come back to Derry as soon as possible, from Waterside. We did. At a little before eight o'clock the head constable told us off on active duty. He gave three men with me for Ferryquay-street. At eight o'clock we took up our posts in different parts of the town. Soon after we heard shots fired at Bishop-street, in the direction of Society-street. The head constable came up to me—

3146. About how many shots did you hear?—Two or three shots at first. I told the head constable, when he came up to me to see how we got on, to go up the street, as there was something wrong in Bishop-street.

3147. You had been told off for a particular locality, lower down?—Ferryquay-street. As soon as we could get the men ready we went up to see what was wrong, and as we turned Hartling's Corner we saw a great rush coming down, and the first person we met said, "My God, they are firing—they are killing one another there."

3148. Previous to this had you heard further shots?—Previous to my going there I heard shots.

3149. You heard a couple at first, you said?—I heard three, four, or five. Well, when we got up amongst the crowd we saw a man pulling a ramrod from two or three others. It was one of the ramrods of a cannon. We secured two or three prisoners—

3150. The body you saw running down Bishop-street, what party would you say they belonged to?—To what is called the Bog-side, or the Roman Catholic party.

3151. What did you do after the contest about the ramrod?—We escorted one or two persons to the barracks, and then we put on our appointments to go to the Diamond, properly prepared, as they were likely to give us another warning.

3152. At that time you had nothing but your side-arms. From which side were the arrests you made that evening?—I believe one of the Roman Catholics had taken the ramrod from some of the Protestant party. We brought two to the barracks. We did not know at the time what party they belonged to.

3153. What did you do next?—We put on our pouches, and took our carbines in the barracks, and we returned to the Diamond and then scattered, and each man on the beat was told to go to the barracks and get his appointments and return to us. As soon as the men got together we formed and went down Butler-

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street, to the gate, to see how matters looked there. There was an immense crowd of the Beg-side party at Butcher's Gate—a great many of the Apprentice Boy party further up, near the place where they have the cannon. Stone-throwing was actively going on when we got there.

3154. Do you mean at one another?—Yes; the Apprentice Boy party would sometimes run down the wall to the top of the gate, and hurl down stones on those below, and then the Roman Catholic party would advance on them and throw stones, and there was advancing and retreating for a long time, backwards and forwards.

3155. Could you form an idea of about the number that was engaged in this proceeding?—There was a very great body at the Butcher's Gate of what is called the Roman Catholic party.

3156. Were there hundreds?—There were hundreds.

3157. At the other side how many?—I could not exactly say how many of the Apprentice Boys, for they never got right in our view—they would make a rush, and then run back again.

3158. What did you do?—I reconnoitred with the porters. I asked them to go home. They said if we closed the Apprentice Boy party they would go home, but they would not leave the ground until they saw them put away.

3159. What was done then?—Stone-throwing went on, and a good many of the police were struck.

3160. Did they throw stones at the police?—I believe the stones were thrown at us—at any rate, a good many of the men were struck.

3161. From which party did the stones come, or did they come from both?—I believe they came from both—they made no distinction as to us. We were mixed up with the two parties, and we got our share of the stones.

3162. You happened to be mixed up between the two crowds, and in that way you got your share of the stones?—Exactly.

3163. What took place then?—Some of the men were hurt. Serroghon, who was examined, got a sharp cut on the eye. It was bleeding freely. I told him to go to barracks. Another man named Reilly had his cap—the top of it—cut through with a stone, and his forehead injured. One street was made, a young fellow, for throwing stones, and Head-Constable Davis and three or four men escorted him to the police-station and left him there.

3164. After that were any shots fired?—There were. After this sharp attack of stone-throwing on the men, several of their muskets being struck too, I said to Constable—

3165. It is better not to mention names.—Well, we

went to the place, and went to the Diamond—we were overpowered—to see what would be done. Three or four men whom we saw joined us, and we then formed at the end of the Town Hall and stood together. A good deal of shots were fired round by the wall, on the east side of the wall.

3166. Was that in the locality in which there had been the stone-throwing?—It was where we had left. I then said to the Head-Constable—"Look for the Mayor—we are going to have a bad night of it in Derry." He went to look for the Mayor. He came back saying it was all up, that he could not get him. I told him to get a magistrate. He came back again; no magistrate came near us; at last, we were joined by our own officer, Mr. Stafford, and Mr. Thompson.

3167. Previous to Mr. Thompson coming up, was there any firing of your men?—Firing of our men, no, we heard a firing at Butcher-street.

3168. Was that after Mr. Thompson came up or before?—There were some shots fired before he came up.

3169. At what period were the shots fired before he came up. Was it after you came back to the Diamond?—We were standing at the interior of Butcher's Gate when the shots were fired; whatever men of the constabulary were there then formed, and came up to the Town Hall.

3170. What took place after that?—Mr. Stafford came to us, and Mr. Thompson, the Borough magistrate. I spoke to Mr. Thompson, and said I was very glad he had come, as we were badly treated there all the night. Mr. Stafford, Mr. Thompson, and Head Constable Davis went aside and had some conversation of a private nature. Soon after that Mr. Stafford gave the word "attention—right face," and marched as from the end of the Diamond at the nearest part of the Town Hall to Butcher-street again, and when we came opposite Butcher-street he halted us, and left the Head Constable in charge, and he and Mr. Thompson went to take a survey of Butcher-street before he would bring us again to the gate. During his absence this unfortunate affair—the firing—took place.

3171. Your men in the Diamond went away as we have heard?—Yes.

3172. What happened while you were there?—There was a large crowd collected at one corner—I would say of the Roman Catholic persuasion.

Mr. Commissioner KEMME.—As it is now past four o'clock and I have some more questions to ask Constable Kennedy, it might be better to adjourn now.

Mr. *McLaughlin*.—Very well.
The Court was then adjourned till the next morning.

SIXTH DAY.

TUESDAY, AUGUST 24, 1869.

The Commissioners sat at 11 o'clock

Constable Kennedy, a L.C., recalled and re-examined.

3173. Mr. Commissioner KEMME.—Yesterday evening you told us about a couple of shots, and that some little time after that the people were shot?—Yes.

3174. There were first the two or three shots near Butcher's gate and then you came back and Mr. Stafford went away with Mr. Thompson. Well, that was the time I believe this unhappy occurrence took place?—Yes; we were standing together at the entrance of Butcher-street, and Mr. Thompson and Mr. Stafford left us. There was a large crowd then round us at Watt's corner immediately beside us. I want to that crowd said spoke to them and reasoned with them to go home.

3175. Were there opposing crowds there at that

time?—This crowd that I allude to then was what was called the Roman Catholic party.

3176. The Beg-side party we will call them?—The Beg-side party. I reasoned with them to go home, and they said they could not go down through Butcher's gate for they would be killed, meaning that the Protestant party were there before them, and I requested them to go by Shipway-street for once, and save any further trouble, and they did not seem to take that advice, but immediately after this great noise arose, and a rush coming down Bishop-street—that is the other mob, and then they ran away from us towards Harvey's corner, and the street then was closely filled up—black with people.

3177. Mr. Commissioner MURPHY.—Who ran away?—This crowd that I speak of—the Beguine party. They had only a few yards to run when they met the others, and then stone throwing and firing of shots began.

3178. Mr. Commissioner ENHAM.—Began at both sides, did they?—Oh, I could not say both sides, but the stones came down amongst us, and the Rotten Catholic party ran and mixed up with us, and scattered us about the Diamond, and I was aware that then shots were fired.

3179. Mr. Commissioner MURPHY.—Shots were fired by the party that came down Bishop-street?—Yes; I saw shots near to McDonnell's door the upholsterer, fired from revolvers, some five or six shots, in quick succession; and it so happened that, when the men were broken up, I had not run any distance from where we were standing at the time—I just drew up at Hegarty's corner—I was close to the mob that attacked us, and I saw their movements particularly, and a great many stones were thrown and shots were fired, and I heard the glass breaking about me, and the noise in all directions of "fire! fire!" and screams of the people running down the Diamond. They fell in several places.

3180. Was this previous to the firing on the part of the constabulary?—It was.

3181. Mr. Commissioner ENHAM.—Then I suppose when the constabulary fired the place got pretty clear?—Yes, as I said I was standing at the corner, and then a gentleman, Mr. Bond, falling immediately after the first volley of stones came, or shots, caused great confusion among us, for we thought it was one of our own men, at least I thought so; I stepped forward to look at him where he was lying, within a few yards from where we were standing. He is a tall man, something like a military man. With the assistance of one of the men returned for trial I pulled him off the street, and left him out of harm's way at Hegarty's corner. I thought he was shot. It afterwards appeared to be a blow from a stone.

3182. Who is Mr. Bond?—He is a young man, I believe in the town here; he had been in the militia I think.

3183. Mr. McDonnell?—A lieutenant?—Yes.

3184. A son of Oliver Bond?—Yes.

3185. Mr. Commissioner MURPHY.—Am I right in taking this as the general description by you of the latter part of the occurrence, that you were in that part of the Diamond talking to the crowd that we call the Beguine crowd?—Yes.

3186. Urging on them to go home?—Yes.

3187. And that they expressed to you their apprehensions as to going down Butcher-street?—They did.

3188. And that you urged them to go by the other gate, by Shipquay-gate?—Yes.

3189. For that one occasion, and that they were reluctant to do that, that they were unwilling to go by that way?—They were.

3190. They thought it would be giving a victory to the other party?—Exactly, that was it.

3191. And that you saw the opposing crowd as we call them, running down from Bishop-street?—Yes, I heard them first shouting, in coming.

3192. And taking a cry of challenge I suppose?—Yes.

3193. And shouting coming down, and that the party you had been running with then rushed up to meet them?—Yes.

3194. One to show fight to the other?—Exactly so.

3195. That some shots were then fired and stone-throwing commenced?—It did, freely.

3196. And the Beguine party retreated—as that the case?—It is, sir.

3197. And were driven back through your ranks?—Exactly, and broke us up.

3198. Separated you and some others from some of the men, and that you heard at that particular time shots being fired also?—I did.

3199. How many of your men were at that time

in the Diamond?—About ten or twelve. There were some of the men injured, and had returned to the barrack.

3200. Yes, we know that. There was Bally and —?—There was a man of the name of Kilmaley, who was struck on the elbow, and it was greatly swollen, and he went to the barrack too.

3201. Mr. Commissioner ENHAM.—Now, you have been here for some time, and would you tell me, including the Water-side district, and the district at this side of the water, how many men, no matter what the force is, do you think would be necessary for taking charge of the peace of this town, including the duty of night and day watching and everything, such as the police perform in Belfast, Cork, and other cities, where they have exclusive and entire charge—how many men do you think from your experience it would require?—There is a very large boundary attached to the borough at present, it extends to a very wide creek, and I think, for the duty to be done properly, it would take at least 100 men to be permanently attached to Derry, taking into account the men on leave, and casualties and sickness and that sort of thing, there would not be more than 80 men daily out for duty. Taking into consideration orderlies, clerks, and everything, I am sure you would not have more than 80 men for duty every day and every night.

3202. The only thing in this—is your calculation with regard to that number increased by the fact of recent riots here? Do you think, if everything was tolerably peaceful and quiet, that you would require that number?—Well, sir, I would not dread the riots, if we had a sufficient force at hand at all times. We would soon suppress everything in Derry; but as was unfortunately the case, we had not, and that was the cause of these riots.

3203. Not having regard to the number at other places, that appear a large number. I could perfectly understand that while these intemperances were going on, or likely to occur, you would require that number; but suppose everything to calm down, it is undesirable that there should be in any town too large a force, because that would cost the inhabitants a good deal; and, therefore, I want to know now from you, supposing everything was to calm down, and that you were to have no riots at all, how many do you think would be required then for the regular duties?—Well, sir, then less would do. If the thing was established and the duty properly set going less would do. If these processions and band-playing and distributions were put down and settled, then there would be less trouble and excitement; but so long as these things are permitted we will never have peace in Derry, for neither party will give in to stop it.

3204. Mr. Commissioner MURPHY.—I was just going to ask you do you think that these things do lead to disturbances of the public peace?—No doubt they do.

3205. Mr. Commissioner ENHAM.—Neither party will give in?—Not a doubt of it, till it is put a stop to.

3206. Mr. Commissioner MURPHY.—You have heard some statements here as to the possession of arms by both parties?—I believe it is the case.

3207. And to a great extent you believe it to be the case?—I know that before the election bores came to the railway station, which I have the superintendence of, and I believe it was arms were in them. They were conveyed to Derry. It was not my place to seize, but I made inquiry, and I found, from their weight and form and structure, that they were boxes containing these arms that are in Derry now, and that was spoken of.

3208. Derry had not been proclaimed at that time?—No, sir, it was not. It was before the election commenced.

3209. Mr. Commissioner ENHAM.—Did it ever, by way of commination, reach the ears of the police, as far as you know, that such a thing had taken place as three or four or five hundred revolvers being given out

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gratuitously in Derry last year just before the election and so many rounds of ball-carriage—

Mr. *McLaughlin*.—There is some misconception about this. I am speaking in the presence of the Commissioners, and I say there never was any evidence to the effect that revolvers had been got and given out gratuitously.

Mr. Commissioner *ERHAM*.—I assure you, you are under a mistake.

Mr. *McLaughlin*.—There was evidence that parties volunteered and got them.

Mr. Commissioner *MURPHY*.—That there was a subscription entered into by several parties to give revolvers to those who were not able of themselves to purchase them.

Mr. Commissioner *ERHAM*.—We call that gratuitously.

Mr. *McLaughlin*.—I think it right to notice this, because it has been misinterpreted that Sergeant Dewie supplied revolvers.

Mr. Commissioner *ERHAM*.—As to that, nobody believes such a thing.

Mr. Commissioner *MURPHY*.—Why, the witness himself said that Sergeant Dewie knew less of them than even he did, and he had only heard of them.

Mr. Commissioner *ERHAM*.—I heard a question asked about "Dewie's revolvers," but we all know what that sort of thing is.

Mr. *McLaughlin*.—The evidence has been inaccurately telegraphed, in a summary, and I thought it right to notice the matter.

Mr. Commissioner *MURPHY*.—It is quite right that any error should be corrected.

Mr. *McLaughlin*.—The error was not in the Londonderry papers.

3210. Mr. Commissioner *ERHAM* (to witness).—Did information reach you last August or September, that a large number of revolvers were given out to people in this way who could not afford to pay for them?—I believe, sir, that was an opinion among the constabulary, but nothing more than an opinion; they had no definite information.

3211. Mr. Commissioner *MURPHY*.—No official information?—No.

3212. I believe you told us already that on the occasion of that meeting at the Mill Glen you were there with Mr. Stafford, were you not?—I was.

3213. You yourself saw both parties armed then?—I did.

3214. And you counted nearly eighty-nine or ninety guns, I think you said, with the Orange party?—I did.

3215. Independent of —?—Independent of revolvers and small arms.

3216. You saw a great quantity with the other party too?—Yes, they were well armed on both sides.

3217. In fact an engagement between them would be a serious battle?—Oh, a most hostile affair.

3218. How far is the Mill Glen from Derry?—About four miles from my station; my district joins with it.

3219. You heard some of the gentlemen who gave evidence here say that on the eve of those processions or those displays, the feeling of the people, one class towards the other, changes?—It does, sir.

3220. And is that the fact?—It is the fact in this place. It takes some days afterwards to quiet their minds.

3221. And for some days previously and for some days subsequently these bitter feelings exist?—No doubt of it.

3222. How many of those occurrences in the year do you say you have in Derry?—Well, for the Apprentice Boys' party there are two stated days, that is, in August and December, and, unfortunately, when any of these bands appear; always in the evening and at night. We have two every such days. I do not know what the object can be; and it seems to be increasing since I came here. I recollect when I joined the force they would pass off. I was here often on duty, and I scarcely observed anything of these anniversaries; now it is a scene of excitement, and people coming from a

distance, and therefore it seems to be a matter of more importance than it used to be.

3223. Are they frequent, the occurrences on which these bands parade the streets?—Sometimes very, particularly in the winter evenings, they are out sometimes once a week and oftener.

3224. Bands at both sides?—No; the Apprentice Boys' party does not appear unless on those anniversaries.

3225. The other—the band of the opposing party?—The Fide band of the Bogside is out oftener. They do not appear in the city or within the walls; they parade more within their own boundaries, along Boyle-street and the Quay, sometimes they visit as at the Waterside, and when they come there a large crowd gathers.

3226. Do they play party tunes?—Well, I could not say much against their playing, I hear them at different sides.

3227. But do you yourself think that these occurrences are taken on an offensive by the other side?—No doubt; and when that is going on here they would often attack each other. I mean, one party would be in with for the other and throw stones, and then the constabulary are few, and the city men are also few; and at the Waterside we have not more than one city man by night, and—

3228. Mr. Commissioner *ERHAM*.—One city man?—One city man, and sometimes two, as occasion allows; and there is a population of 4,000 people at the Waterside.

3229. Mr. *McLaughlin*.—Now, I think you stated that when these bands appear at all they do harm?—I believe they do, they excite the parties.

3230. Now, you say that the band of the Apprentice Boys only appears on those anniversaries?—It is the only time that I noticed it unless they are going to some fête at a distance.

3231. The same as the Orange meeting on Thursday last?—Yes, the same as the Orange affair on Thursday last.

3232. And unless something local occurs to give them the opportunity, the same as the Protestant meeting in June?—Yes; then they show in numbers.

3233. With regard to those revolvers, with respect to which questions were put by the Commissioners, that were distributed to some people that were not able to get them themselves, do you know that prior to that it had been stated in one of the newspapers that the opposite party had threatened to shoot them down?—No, but I heard the remark here since the Commission opened. I believe they are well armed on both sides.

3234. I believe that when you say that they are well armed on both sides you refer to the evidence of Mr. McCafferty and Mr. Houghton?—Yes.

3235. And also to the evidence of another witness, Doherty? Now, before I pass away from the anniversaries, you stated that the Apprentice Boys had only a couple of stated days, that is, the 12th of August and 12th of December?—Yes; I look upon those as their days.

3236. And is not there some little disposition, not to put too fine a point on it, to look upon the 12th of July also as a day here, more or less?—No, I never saw any Orange displays here among them, or displays of the Apprentice Boys, on the 12th of July, whatever they might do if they could steal out to the country and from processions from, say, Dromahoe and Fenny, and other parts. You will see them there at both sides.

3237. No doubt. Is not Tanshieb another Bogside as regards the prevalence of Roman Catholics amongst the people?—Not a doubt of it; it is between Eglinton and Dromahoe.

3238. Now, that night, in the Diamond, at the time the firing took place from the constabulary there was a firing of revolvers along the upper side of the Diamond, from McDonald's furniture warehouse to Hagerly's corner?—There was. I saw it plainly from Hagerly's corner.

3239. I believe the firing of the revolvers from the

party in front of the police at that time was more general than ever you have seen it anywhere!—It was very general for the time, it lasted—for about two minutes.

3240. You have been in the Belfast riots, I believe?—I was, in 1844.

3241. And I don't suppose that you have seen such continuous firing there while it lasted?—No, I did not, I heard a good deal of firing there; but it was not so directed as any particular party there.

3242. It was about fifteen or twenty yards from the Diamond—you will correct me if I am wrong?—It might be that or it might be more, say forty yards.

3243. I think you said, in answer to the Commissioners, that the parties that were on the Diamond said they could not go down through Butcher-street in consequence of the Apprentice Boys' party being on the top of the gate, and that you directed them, very properly, to go away by Shipquay-gate, and that when they heard the noise of the other party coming down, they, having been prevented going up, turned and went back, breaking the ranks of the police?—Yes.

3244. Then, when you say that they broke the ranks of the police, they were, in point of fact, behind the police?—Yes, a great many of them were down Shipquay-street.

3245. Taking the advice that they should have taken before?—Now, those were the same people that you had communicated with some time before, and suggested that they should go down Shipquay-street?—Yes.

3246. Now, going down by Shipquay-street would, by a considerable descent, bring them to their own place?—It would by a little round.

3247. Then when they so broke, and the Bishop-street party came down, they spread themselves along towards Mr. McDonnell's corner?—They did.

3248. Now, at that time the police, if I do not mistake?—I believe they were scattered along there.

3249. Then the people left of the line—the side left of the line would be near Mrs. Watts?—I consider they were scattered along in that direction.

3250. Then, as I understand you, you were on the proper right of the line?—Yes, I was at the corner.

3251. You did not fire, although you raised your carbine?—I did not, I raised the carbine, but when I got an opportunity of firing there had been a few shots fired, and then this dense crowd scattered.

3252. And that involved you from the necessity that previously existed of firing?—The dense crowd scattered, and I thought it would be in vain to fire when the people were running away from us.

3253. Whatever was done in respect to firing was from the instinct of self-preservation?—Nothing else, there was no distinct direction given to fire, except the shouting of the crowd, "fire" "fire" "fire."

3254. And some of the people that the Bishop-street crowd came upon, and had in the rank from the Bishop-street crowd broken your ranks, were at that time rushing down Butcher-street?—Some of them did.

3255. And they were then in this position, that they were hemmed in on one side by the Bishop-street party, and on the other side by the Apprentice Boys on Butcher's-gate, and if they went down Butcher-street they would have to run the gauntlet of those on the top of the gate?—I believe so. I was standing at the corner, and I heard noises coming in all directions.

3256. And I believe, notwithstanding that, a great number did make their escape by way of the gate?—They ran in every direction.

3257. I believe Mr. Bond was a little at the proper left of this line?—Yes.

3258. And his being a tall man, and having the appearance of military training, was mistaken by one of your men for one of the police?—I thought myself he was a policeman.

3259. And it was about that time that the fire-firing resulted?—It came from the Bishop-street party.

3260. Was it as quick as that now [making a clapping with the hands]?—Yes, it was; I noticed they were like revolvers.

3261. It would require men to be working very much in concert to produce such a continuous stream of shots with single-barrelled pistols?—I believe they were revolvers, for I saw the flashes very distinctly.

3262. Then, as I understand you, and I am glad to say I am escaping from this part of the case now, there were two divisions of the Apprentice Boys' party, the party on the Butcher's-gate, and the party in Bishop-street?—There may have been.

3263. What number would you say were on the Butcher's-gate?—As to the number on the top of the gate, I do not know that.

3264. Now, after the men fell quiet was restored, that is, Craig and—?—Craig and Moncreff.

3265. Moncreff told somewhere about there [pointing to a plan]?—Yes, I saw the blood next day on the street.

3266. And Craig fell somewhere about here, and Murphy, passing over from Harvey's corner, fell next to Craig, according to his evidence?—I believe so; that is what I believe.

3267. Now, Moncreff and Craig were of the Protestant persuasion?—So I understand.

3268. And the other was of the other persuasion?—Yes.

3269. Now, I believe Mrs. Mulholland's large drapery shop that runs in so much in somewhere about there [pointing to a plan]?—It is.

3270. I believe some shots were fired at the shutter there?—I saw the mark of a bullet.

3271. And I believe the peculiar direction of the bullet hole shows that it came somewhere from the Diamond at all events?—I should consider so.

3272. If I do not mistake it takes the wood on the kevelled panel and runs in?—Yes; I noticed that.

3273. Now, you were examined, I think, at the inquest that took place immediately after these men had the misfortune to lose their lives?—Yes; I gave evidence there.

3274. A man of the name of Patrick McMonagle was examined?—He was.

3275. Patrick McMonagle, I believe, is the owner of the corner house at the lower side of Butcher-street?—Near the gate—yes.

3276. And I believe his house sustained bad treatment that night?—Very.

3277. I see that you were examined pretty close to him, but that is the mistake a man of the name of Adam Kilien was examined?—Yes.

3278. Did you hear Kilien saying that when he was going that night from London-street to Society-street, and Bishop-street, he was fired at from Society-street?—Yes, I heard him say that.

3279. Now will you tell me, if you please, where Kilien lives?—It is in Sailor's-row, at the back of the wall.

3280. Now a young man of the name of Bryson was the person examined immediately before you?—Yes, there was a Thomas Bryson.

3281. Is he one of the Watermen Brysons?—Yes, he used to live at the Old Hill, but I do not think he is there now. He is a carter here. He was in the city police.

3282. Mr. Commissioner MURPHY.—Was he in the city police?—He was, some years ago—some short time ago.

3283. Mr. McLaughlin.—And I believe was wounded that night at Gibb's corner?—He was.

3284. That is at the corner of London-street and Bishop-street?—I saw the mark of the wound on his face.

3285. Mr. Commissioner MURPHY.—A shot wound?—Yes.

3286. Mr. McLaughlin.—He was wounded at the time, according to his evidence, when the Hibernians, flute band were playing up at the Imperial Hotel?—Yes.

3287. And as I believe you yourself mentioned, he swore to Mr. Crawford, on cross examination, that he considered the air they were playing was "God save the Queen"?—Yes.

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3288. Mr. Commissioner MURPHY.—What hour was that?—About eight o'clock.

3289. Mr. McLaughlin.—Was it a little after that?—Well, a little after eight.

3290. From that it would appear that some people who did not like the band were firing these shots?—I believe so.

3291. And I believe that was the first firing of shots that took place that night?—I believe it was; that was the origin of the riots that night.

3292. I see that he says that other shots came from the same direction?—Oh, there were several shots fired there before the police got to interfere among them.

3293. I may also identify another person; do you know a city constable of the name of Toner?—I do.

3294. He was examined that day?—He was.

3295. And I believe he was of opinion that he had seen a worse mob in Derry than he had seen that night?—Well, that is a matter of opinion.

3296. There would be no harm in asking you whether Patrick Maxwell was examined?—He was, I recollect it now. He is a tailor.

3297. Mr. Commissioner MURPHY.—Whoever formed the opinion that it was not a formidable crowd or mob that night, you are of opinion that it was a very formidable and alarming crowd, I suppose?—Decidedly.

3298. Mr. McLaughlin.—Some of the acquaintances of the police having been injured, did you see Halsey's cartons?—I did; it was indicated on the wood along the side of the barrack, and a scraping taken away, as if a bullet had struck it.

3299. Did you see the peach-belt of McLaughlin?—I did. I examined it at the station. It was secured behind.

3300. Was it bruised?—It was also indented.

3301. Is McLaughlin also sent for trial?—He is returned for trial.

3302. I believe McLaughlin assisted you to lift Mr. Bond?—He did, although he is returned for trial.

3303. I may just ask you, because I think it bears on the question, supposing the police find that night, was the violence of the crowd such that it was necessary for their own protection?

3304. Mr. Commissioner ENHAM.—That is a question we are not discussing here.

3305. Mr. Commissioner MURPHY.—I think you may put this question, whether or not he considered his own life in danger that night?

Witness.—Oh, decidedly; I considered that I would not leave the ground alive, from the appearance of the street.

3306. Mr. McLaughlin.—Now, I take the liberty of asking you a question or two about that Tradesmen's band that you mentioned. Now, to prevent all mistakes, for I thought there was some little confusion at the time, do you mean the Tradesmen's band that practices in McLaughlin's public-house in Bridge-street?—Yes, I alluded to that band.

3307. Do you know what McLaughlin's Christian name is?—I am not sure of his Christian name.

3308. Patrick McLaughlin, are you long enough in Derry to remember that was Sherwood's Ball and Rocket Court?—I believe so.

3309. And it is greatly frequented by those who are anxious to engage in the sports of market and ball, and I believe sometimes, among the rest, the officers of the garrison?—I believe so.

3310. And matches that are reported in the newspapers take place there?

3311. Now, do you think it would be a little dangerous to this man to have it believed that a party band were permanently located in his house?—Well, I never heard an unfavourable remark about Mr. McLaughlin in my life. I should be very sorry to make an unfavourable remark about Mr. McLaughlin.

3312. Mr. Commissioner ENHAM.—I understood you to say yesterday that so long as these bands would confine themselves to houses, or to their own proper place for practising, or anything of the kind, you did not allude to them?—No, there is no harm in practising.

3313. No harm in practising at all, but in going out?—Yes, that is the only evil.

3314. I think that the witness yesterday seemed to admit, or take for granted, that there were two opposing bands in the town, the Offenders' flute band and the Apprentice Boys' band, but he said that the other had no distinctive party character at all?—Not so much as the others. I believe they were a better regulated party than the Beguise band. I have seen them together, and they seemed to be men of some respectability. That is, the band in Bridge-street.

3315. Mr. McLaughlin.—They are not all of the same persuasion, are they?—Well, I really think they are.

3316. All?—Well, I could not define the religion of each of them.

3317. You gave some evidence here yesterday about party tunes, and, from what you stated to-day, I have no doubt that it does not so much signify what tunes they play, so, if a band goes out. Of course if they play party tunes it is worse, but even if they do not play party tunes, does it create disturbance for them to go out at all?—I believe that their appearance in the street creates excitement.

3318. Mr. Commissioner ENHAM.—I suppose when they see one band out they think they have a right to be out there too?—Yes, exactly.

3319. Mr. McLaughlin.—I think the tunes you said you heard were "Protestant Boys," "Auld Lang Syne," or "Derry Walls Away," on the one side, and on the other side "God save the Queen" and "Patrick's Day"?—And the American air that has come over here, "The Wearing of the Green."

3320. And I suppose you would not say that "God save the Queen" was so very emphatic an air, or a party air, as "The Protestant Boys"?—No, I think "The Protestant Boys" is different.

3321. And I suppose, honestly now, "Patrick's Day," if played on the street, would be regarded as a party tune, while if played at a public banquet to the toast of "Prosperity to Ireland," it would not?—I think so.

3322. Now you have got a good deal of experience of the local magistrates, and I do not want to ask you about any partiality among them, I just want to ask you this, who is the oldest magistrate in Derry—is not Mr. Darcus?—Ay, or the present mayor, I think, Dr. Miller.

3323. What age would you think Mr. Darcus is?—I suppose he is high to sixty, or sixty years of age.

3324. And he is a man who has been always a consistent member of the Conservative party?—Well, I believe so; I do not know anything about his politics really.

3325. Well, I do; and there is no doubt at all about it?—Well, he may be.

3326. Now, you have seen Mr. Darcus sign summonses?—I have.

3327. Now, he writes as peculiar a signature as ever was written; is that his handwriting [document produced]?—That is his handwriting.

3328. There is a printed copy of the rules taken from the room where that Tradesmen's Band practices [another document produced]?—Yes; this is signed Henry Darcus.

3329. Mr. McLaughlin read rule No. 2 and the other rules as follow?—"No person shall be admitted a member of this band who may be connected with any illegal or party society. Any member found at any time connected with any illegal or party society to be expelled, and shall forfeit all claim on the band. No political or sectarian topic to be introduced before the band. Any member introducing same to be fined," and so on.

3330. And then there is at foot?—"I approve of the above rules. Henry Darcus, Mayor, 13th November, 1868."—Yes.

Mr. Commissioner ENHAM.—I think what the witness really says is that, however unobjectionable a band may be in its formation by the members, yet the very fact of its appearing in the street, even although

in the most loyal spirit, is, owing to the state of public feeling, regarded as offensive by some people.

Mr. McLaughlin—I was about to put a question almost in your own words. But I think I have shown that this band is different in some degree from the others.

3351. Mr. Commissioner MURPHY (to witness).—I suppose that even "God save the Queen," if played by one particular party, would be almost regarded as a party tune?—Yes.

3352. It was considered by the other side that the Hibernia Band had no right to play "God save the Queen"—that was on the night of the 28th of April?—Exactly so.

3353. Mr. McLaughlin—I have here in print that the Lendenderry Tradesman's Band have incurred a debt in producing instruments, and they hope that the inhabitants, to whose amusement they frequently condescend, will soon relieve them of their liabilities. Is not that the print of the *Sentinel* newspaper?—I could not swear to the print of the page that it belongs to.

3354. But take my word for it, that shows you were wrong?—No, I could hardly give it as an opinion.

3355. Mr. Commissioner MURPHY—A perfectly innocent statement has a wrong interpretation put upon it at present from the unhappy state of feeling that exists?—Yes, exactly.

Sub-Constable Thomas Reilly, &c., examined by Mr. McLaughlin.

Scene Day
—August 24.
Constable
Thomas
Reilly
Kennedy

3342. Were you here on the night of the 28th of April?—I was not.

3343. Then do you only speak of the matter of the attack on the Corporation Hall?—Of the attack on the Corporation Hall, and of the 12th of July previous, or at least the 13th of July.

3344. Mr. Commissioner MURPHY.—That is the Muff Glen affair?—Yes.

3345. Mr. McLaughlin.—Now, tell the Commission what you know about this 13th of July?—Well, I was at the Muff Glen on the 13th of July, and in coming home in the evening I crossed the bridge. There was a large crowd of people collected at the bridge—the new bridge—I supposed they were there waiting parties returning from the Glen, and when I came across the bridge there was a number of them come to speak to me, to enquire how we got on there during the day, and I think I told them that everything passed off quietly. So I came to the barracks, and I think it was about nine o'clock, and some party came to the barracks, and said that there was rioting up in Bishop-street.

3346. Mr. Commissioner MURPHY.—What party was it you say you saw at the bridge?—Well, I think that there was a mixture of all parties there. I could not distinguish any of them, but some party came to the barracks—I think it was near nine o'clock, and told us that there was considerable rioting up in Bishop-street, and I and two more of our men—I will give you the names if necessary.

3347. There is no occasion?—I and two more of our men went up Lincoll-street, Ferryquay-street, the Diamond, and Bishop-street, and we went up along to Mr. Gilliland's, and when we went up that far we could not see any parties whatever in Bishop-street, and so we turned back, and we could not see any parties whatever in the Diamond, and as we turned De Druce's corner, we saw a great procession of people coming up Ferryquay-street, and the head of the procession was exactly at Mr. McArthur's shop, and I at once observed a regular commission apparently immediately behind the procession at the foot of Ferryquay-street, and I saw at once it was the opposite party and the procession. They had commenced to fight there.

3348. When you talk of the procession and the opposite party, which party do you call the procession party?—I mean by the procession party the Bog-side party.

3336. Mr. Commissioner EHRAM.—Tell me, as far as you know, was anyone injured by the firing that night, when this regular fusillade was kept up, because it is wonderful if those revolvers were loaded?—Do you mean by the police?

3337. No, by the shots fired by that party coming down?—I did not hear of anyone particularly being injured by it, if they were it was concealed. I did not hear of anyone being injured, unless what I alluded to, the rifle being indented and the porch, and I believe one or two of the balls went into Mr. Watt's window. I heard the glass breaking at the time this firing was going on. Fortunately there were no lives lost.

3338. Mr. Commissioner MURPHY.—One word as to what had occurred before the last election, as to the purchase of revolvers; was the impression abroad prior to that, that one party was armed and the other party unarmed?—Well, I believe that was the case; they looked upon what we call the Apprentice Boys as being well armed.

3339. Then the other side got them to be as well armed?—To be as well armed.

3340. So as to have equality in the point of arms?—Exactly so.

3341. And you believe that both parties are armed now?—Oh, I believe they are well armed in Derry at both sides.

Sub-Constable Thomas Reilly.

3343. And was there a band?—There was no band whatever. Well there were only three of us there, and we ran down and got in amongst the fighting parties, and I drew my sword, and I endeavoured to separate all I could, and the fighting lasted only a couple of minutes. So when the fighting had ceased, some more of our men had come up, and I observed some of the city police then. When the fighting had ceased one of the city police said that such a man, a member of the Bog-side party, was the cause of the whole affair, and one of our men then said that he should be arrested, and he was then arrested.

3350. What was his name?—His name was Deherly, I think, and he was then arrested, and we took him to the station-house. So, in taking him up, a very large crowd of people followed us—a very large crowd. We had to draw our swords as we went up from the Diamond through Bishop-street for the purpose of protecting the prisoner; we were afraid he might be rescued, and we left him safe in the station-house. After that there was a crowd of people in Bishop-street and the Diamond, and in Butcher-street, and there was considerable stone throwing that night in Butcher-street and the Diamond, and about Butcher's Gate, and I recollect one time that we drove the mob down the Butcher's Gate and Butcher-street, and down out of the head of Fahan-street. I myself got a very severe blow of a stone in the head at the top of Fahan-street, after chasing the mob down. After that nothing particular occurred that night. Everything got quiet about twelve o'clock, I think.

3351. Was that man Deherly armed?—I did not notice any arms with him at all.

3352. Or any weapon at all?—I did not notice any weapon at all.

3353. Did you hear any shots fired?—Not at that place; and I do not recollect that I heard any afterwards.

3354. But before that, after you came into town, did you hear any shots at all?—It was about half past seven o'clock when I came from the Muff Glen.

3355. But in Derry did you hear any shots that night at all?—I do not recollect that I heard any that night.

3356. Mr. McLaughlin.—Then you saw the subsequent attack on the Corporation Hall on the 20th of July?—I saw the subsequent attack on the Hall on the 20th of July.

3357. Mr. Commissioner EHRAM.—Were you before

James Barr.

August 24.

Sub-Constable
Thomas Kelly.

the magistrates when Deherly was brought up to—I was not examined as a witness.

3336. Were you in court?—I was in court.

3339. What was done with him?—I think he was fined 10s. I recollect that there was a solicitor from Ballyshannon here defending him.

3340. Did you hear it stated what he had done or said, or that he had said anything particular?—

Sub-Constable
Michael Kelly.

Sub-Constable Michael Kelly, &c., examined by Mr. McLaughlin.

3362. Tell me what particular transactions you speak of?—It mostly includes the whole.

3363. Have you heard the evidence that has been given at this Commission—were you here on the 13th of July?—I was at the Muff Glen on the 13th of July.

3364. And do you generally agree with the last witness?—Oh, yes, but he did not discuss anything about the Muff Glen at all.

3365. Mr. Commissioner MURPHY.—Were they armed at both sides on that day?—Yes, my knowledge principally extends to the Protestant party or Orange party. After we sent them home we came up with a number of those who were encamped on the Glen—about thirty or forty—and they were armed with rifles.

3366. Mr. McLaughlin.—What was the number of those that were encamped at the Glen?—I cannot say. We only came up with about thirty or forty. The principal part of the day we were employed with the Orange party, persuading them to go back.

3367. Mr. Commissioner MURPHY.—About how many were they in number?—About 700.

3368. Were they armed?—They were. They were about 100 guns, and then there were old swords, pistols, and parts of armour, and such things as that. They were all armed, less or more.

3369. Mr. Commissioner KIRHAM.—Did they turn back?—The more respectable portion of them took the advice, and tried to persuade those under them to go back, and they assaulted them afterwards and took the colours from them, and there was great disorder among them, and some of them lay down on the road and would not go, and took the advice of the police, and the more turbulent and the lower portion of them would go on at all risks; and we had to make several stands, and they would go on the fields and bogs and beyond us. There were only about nine or ten police there.

3370. Mr. Commissioner MURPHY.—Those who appeared to be in authority over them, the masters, endeavoured to aid you?—Yes, in persuading them to take the advice of the police.

3371. And they refused to do that?—Yes; and they assaulted their masters.

3372. They turned on their own masters?—Yes.

3373. Were some of those people at that time under the influence of drink?—There were some of them I should say under the influence of drink.

3374. And those who were supposed to exercise control over them lost all control over them?—Oh, they did their best to prevent them from going, but they rushed passed on us and leaped into the fields. We made several stands on the road for a distance of about two miles to try to prevent them, by advice and every way we could. At the last stand we made, as we were told by the Eglinton police, who reside in that district, they were within range of the other parties, who had taken up a position there. There are several breakwaters in this Glen, and they and there were 200 or 400 men there ready to cut them down if they crossed the Glen. They said they would not molest them unless they tried to cross the Glen, but they were prepared to cut them down had they done so.

3375. Mr. McLaughlin.—Were the party in the Glen heavily armed?—I saw about forty of the party, and I saw some good looking rifles amongst them.

3376. Did you see any field pieces with the party in the Glen?—No.

3377. Did you hear it stated publicly that there were some field pieces?—I heard it, but I saw none.

Well, I am not quite clear. There were some of the city police examined, and I think one of our men, but I was not examined at all in the case.

3381. Had he assaulted any of the police, that man?—He had assaulted none of the police; but it was alleged that he was the ringleader of the party coming up the street, at least it was said that he was the cause of the whole affair.

3378. How many did you hear they had?—Well, I did not hear the number of field pieces.

3379. Now you talked about breakwaters, were those breakwaters natural?—Yes, I said they were natural.

3380. Were there any supplementary breakwaters, the result of engineering skill?—None, I saw nothing artificial there.

3381. I suppose there would have been bad work if the two parties had met?—Yes, I certainly thought we would come in for the worst of it if the two parties commenced.

3382. Mr. Commissioner MURPHY.—How many were there of you on the road?—About ten men, sir.

3383. Mr. Commissioner KIRHAM.—How many did the Eglinton police number?—Only two or three of the Eglinton police; they came up to us and told us the position that the others occupied.

3384. Mr. McLaughlin.—What constable or officer was in command of that small and devoted force of police?—Captain Stafford was there and two mounted men, and Captain Fitzmaurice the Stipendiary Magistrate?—Yes.

3385. I think you said that after you persuaded them to turn back and not to go on, you saw them when you came into the town?—I saw bodies of them in a public-house there.

3386. Whereabouts is the public-house?—It is near the bridge. There is a Meenagh-green there, I think. The military had to be sent for. There was one of the mounted police men, and the military came in by train.

3387. Those who were in charge of your party went in one of the mounted police force?—Yes, and the military came out by Eglinton to within three miles of the station where we were, at the double, and they were very much excited and prepared for work; but at that time the Orange parties were induced to go home.

3388. Had the other parties who were encamped in the Glen retired at that time?—At the time the military came up we were after coming up with some of the parties who were encamped in the Glen, and they went on before us, so we came down to meet the military, to report that all was quiet.

3389. Was there a heavy force of military?—Well, I should think that there came out about a company of some regiment that was there—I think it was the 24th Regiment—under two officers.

3390. What time did you arrive in Derry that night?—Well, I should say about eight o'clock, or half-past seven; we came in by cart, we had three or four men with us in the morning, but we had to abandon the carts and keep among the men, who carried us home.

3391. Were you required to do any duty in town that night?—No; I was not at all other after, the slight scrimmage that took place in Ferryquay-street; I bowed off, though, but I did not take part in it.

3392. That was a scrimmage by way of postscript, to use a Hibernian, to the scrimmage that was nearly taking place at Muff Glen?—Oh, it should not be compared to what would have taken place in the Glen. It was not worth notice at all. If the parties happened to come into collision in the Glen I believe there would have been great loss of life then.

3393. Mr. Commissioner MURPHY.—Were you there on the last 12th of July?—I was not; I was out in Donagall.

3394. Mr. McLaughlin.—But I believe there was a

previous 12th of July 1—Yes, I heard there was, and there was a party of Orangemen who attempted to march through the Glen, and they were violently assaulted and beaten by the others, and then they collected on the 12th of July, 1868, to go there again, and the others collected to oppose them.

3395. Now, the 12th of July that you have been speaking about since you began your evidence—in that 1868 1—1868; the 12th of July fell on a Sunday, and the anniversary was held on the next day (Monday).

3396. And the respect of the two parties for religion was so great as to induce them not to hold the celebration on the Sunday 1—Yes.

3397. Some of those who took part in that previous affair that you speak of were, I believe, tried for it in the next Court here 1—Do you refer to Derry 1

3398. Tonnahill-bridge, the other occurrence that you spoke of in answer to a question from one of the Commissioners. I believe the previous attempt of some of the Orange party to cross that bridge resulted in some of the Catholic party being sent forward for trial 1—Yes; I believe that there were twenty on each side sent for trial, but let out on their own recognizances.

3399. Now, you saw nothing more that night 1—Nothing more.

3400. You saw the night of the Corporation Hall burning 1—Yes.

3401. Mr. Commissioner EHRAM—Do you know anything to town on the night of the 12th after you came back 1—I did not see that occurrence.

3402. Mr. McLoughlin—Were you in town on the 12th of August following 1—Well, I think I was.

3403. And I suppose you saw the ordinary display 1—Oh, it is always held on the 12th of August since I came here.

3404. Now, inasmuch as your inspector has been asked, and Constable Kennedy has been asked, I suppose I may ask you whether you think that the peace would not be better preserved if these displays did not take place 1—Oh, I think so.

3405. And that applies to displays by any party 1—Certainly.

3406. Under any pretence 1—Certainly.

3407. Any form of procession 1—Certainly.

3408. Unless it assumed the form of a funeral 1—Unless the police.

3409. It is a very affecting thing to see the city police in procession 1—It is, any police; it equally applies to them all.

3410. Did you see any of the little disturbances with the tar barrels on the 1st of December, 1868, and 1st of January, 1869 1—Was it at the election 1

3411. No, but after the election 1—On the night of the election.

3412. Yes—Did you see anything on the night of the election 1—I saw tar barrels going by up Bishopsgate as I was standing on the steps of the Court-house here, and I remarked to another person who was standing along with me that I thought there would be a row by those parties going on the wall.

3413. I believe that was the first occasion that ever the Catholic party had gone on the wall 1—It was the first time I ever saw them going with tar barrels there.

3414. Or ever heard of them there 1—Yes.

3415. You did not follow them 1—No; I was standing at the Court-house.

3416. Were there many of them 1—I could not say the number. I saw the tar barrels going up, and I remarked that there might be a row in consequence of them going up there.

3417. I believe they went down towards Butcher's-gate 1—I believe they did.

3418. And in their onward progress towards Butcher's-gate they would request to pass the gun-room. Have you ever been in that gun-room at all 1—I have.

3419. Did you see anything when you went into it 1—Well, I saw a number of men there and guns about. I was called in there one night. I think it was on the 17th of March last. There was a hall

held at the Masonic Hall, down at the end of Butcher's-street, past Mr. McMonagle's public house, and there was a patrol of police out during the night, and we heard some shots as we were down there, about one o'clock, coming out of the gun-room.

3420. The 17th of March of this year 1—Of this year; and the hall was held there, and we passed by where the hall was being held.

3421. You talk about a dancing hall 1—Yes; and there were some shots fired out of this gun-room, and we went up and there was a number of men and guns about, and they said that there was a number of windows broken there, behind the wall, from some person that threw stones at them, and that it was in answer to that that they fired out one of the pistols out of the windows, and that was the occasion when we went up there.

3422. Was it on the 17th of March 1—Yes.

3423. Did you go into the Masonic Hall to see the hall 1—Yes, we did go in to see the dancing for a short time. We were invited in.

3424. Was there a large company there 1—Yes.

3425. How many 1—About a couple of hundred.

3426. Young people of both sexes 1—Yes.

3427. Did you see any arms 1—Nothing only ladies.

3428. Mr. Commissioner MURPHY—Did you see any windows broken at the gun-room 1—Oh, the windows are nearly all broken in that gun-room.

3429. Were they broken then 1—I could not say, for all the windows there are broken, and all the glass shattered by young boys of the town. Any horse they find vacant here they generally break the glass of it to give employment to the glaziers.

3430. Mr. McLoughlin—Were there many men taking charge of the guns that night 1—There was a number.

3431. About how many 1—Well, I saw plenty of them there. I should say twenty or thirty.

3432. How many cannon did you see 1—Well, I really did not count them, but I saw guns there.

3433. A good number 1—Yes.

3434. And these shots fired out of the window were pistol shots 1—Yes, pistol shots. We went up to inquire, and they alleged then that stones were thrown across the wall and broke some glass in the window.

3435. From the wall or over the wall 1—From behind the wall, over the wall.

3436. And I suppose you remained on duty all night 1—We remained till we found that everything was quiet.

3437. And there was no attempt made that night to bring out the guns or anything of that sort 1—No.

3438. Now, the night you remember after the election petition terminated, were you out in the town that night 1—I was.

3439. Were you at Bishop's-gate 1—No, I was outside the walls. There were two of the borough men sent with a party of the reserve. They came to protect a house in Backville-street—I think it is Mr. Lough's—and we remained there till all was over.

3440. And I believe his windows were broken, and there is no mistake about it—There were some stones thrown, I believe.

3441. The first breaking of windows, I believe, was the night of Dwyer's lecture 1—Yes.

3442. And from your experience of Derry of late there was none till it began then 1—That was the first I remember.

3443. Did you see Doherty's windows broken that night 1—Well, I cannot say.

3444. Or the Standard office window 1—I think I saw the Standard office window, but I cannot say about Doherty's.

3445. Did you see the First Presbyterian Meeting-house's windows that were broken that night 1—Well, I cannot say, but I heard of them being broken that night.

3446. Did you see any tar-barrels carried in Pump-street on the night of the 1st of January, 1869 1—No.

3447. On the night of the 1st of December, 1868 1—No.

SAVING MAN.

SHAWED IN.

Set-Com-
stable Michael
Relfy.

SAVED BAR.

August 24.

Sub-Commissioner Michael Barry.

3448. I may ask you whether you saw the procession on the 18th of December of last year?—Oh, yes.

3449. How long have you been in Derry, one time with another, since you joined the force?—I have been stationed over five years in Derry.

3450. Did you always hear much with those processions on the 18th of December and 12th of August?—Yes.

3451. Can you tell what tunes they played?—Well, "Protestant Boys," and "Derry Walls Away," and so on.

3452. They did not play "The Last Rose of Summer"?—No, or "Patrick's Day."

3453. Coming down to this unfortunate affair of the 28th of April, when did you go on active service in the town the first time that day?—I was in the party that went down to meet the Prince, at the arrival of the Prince.

3454. Did you see any hand there?—No, we were in on the platform, and I heard that there was a hand outside.

3455. Did you hear the music of the hand?—I cannot say that I did.

3456. I suppose after you received the Prince you came up to the heart of the town?—The crowd was very dense at the railway station, and we were kept some time.

3457. The railway station is a very confined place?—Yes, it is.

3458. And a very small crowd there would create a great obstruction?—We were obliged to wait till the crowd got out before us, and then we went and dispersed our arms, and came up to the Town Hall.

3459. And then you came up to the Town Hall, without anything but your side-arms?—Without anything but our side-arms.

3460. Do you recollect was the hand there then?—Yes, there was a hand panding the town during the evening.

3461. But during the afternoon The Prince arrived, I believe, about ten minutes past three o'clock?—Yes.

3462. Did you hear the hand playing any tunes at that time?—I did.

3463. What were they playing?—I heard that hand referred to, from the Bog side, playing "God Save the Queen" opposite the hotel, and they marched down playing "Patrick's Day," as they marched to the Town Hall. I was standing opposite the Imperial Hotel.

3464. What time of the day was that?—I think it was after the Prince left the Town Hall, and went up to the Imperial Hotel.

3465. Did you see any opposition offered to them at that time?—I recollect none. I think I recollect some grunting. When that band from the Bog-side was playing "God Save the Queen" there was some grunting from the opposite party.

3466. I believe for some reason or other the Britannia Band did not go out at that time?—No, they were not there at that time.

3467. Did you go home then?—No, we remained there till after six o'clock. We saw the Prince going to visit some places.

3468. Public institutions?—Yes, and the walls.

3469. Now, up to the time that you left the street was there any disturbance?—None whatever.

3470. Did you see the other band there at that time, the Britannia Band?—That is, the Apprentice Boys' Band?

3471. Yes, with the blue uniform?—Yes, I saw them coming off the wall with their garrison colours, and so on.

3472. What time was that?—Well, I think it was after the Prince arrived in town; when he was at the Imperial Hotel.

3473. Did you hear any grunting then at all?—No.

3474. Did they perform at the Imperial Hotel?—Well, I am not certain.

3475. That is all that happened up to the time you left at six o'clock?—Yes.

3476. And what happened after that?—The men

were sent out in twos and threes, to the different streets, with their side-arms only. When I was sent out there was no one sent along with me. I was sent to Ship-quay-street, if anything took place I was to make a report to the barracks, and I walked about the Town Hall till about eight o'clock, and I heard shots up in Boney-street, or up high in Bishop-street, as I was walking to the Town Hall; and then I saw the people coming rushing down on each side of the Town Hall, and though it was not at my street it took place, I thought it would be right to report it to the barracks, as I saw the people rushing. I went across Richmond-street to report it to the barracks—to report what I saw there.

3477. That is the street opposite the News Room?—Yes, and when I was going down, turning the corner up to the barracks, I saw some of the men stationed in Bishop-street coming with a prisoner, and then I knew that they would repeat the occurrence, as it was where they were stationed, and then I turned back again. I walked up and looked towards Ferry-quay-street, and I saw Head-Constable Davis and some of the men under arms, and I went to meet him, and asked him if I would repair to the barracks and get under arms, and he answered very solemnly, "Oh, Lord, yes," and I went as quickly as I could, and there was a gentleman there belonging to the town, Mr. McDonnell I think it was, saying that his house was attacked. And so I got under arms and proceeded to the Town Hall to join the other men, and I found that they were not there, for they went to the station-house with prisoners, and Constable Kennedy and I went down to where the house was attacked, and stones commenced to be hurled about me, and they were coming from each side, they were coming from Butcher's-gate, and they were coming from the direction where Walker's Pillar is, and there was one time that they came very thick about us, and I think I was struck; and there was another policeman there along with me, and we found the stones coming down from Walker's Pillar very thick, and as I was going up I saw a very large stone coming, and I looked up and left the place till it passed, and I got up on the wall again, and fixed my sword, and I told the other policeman to do the same, and he said it was better not at the present time, and he told me to unhur my sword again, and so I did, and we went up to where the Apprentice Boys were.

3478. Where were they then?—About opposite the Meeting-house.

3479. That is between Butcher's gate and the Pillar, rather nearer to the gate?—Yes, we went up and I saw Mr. Ferguson there, and I spoke to him, and I asked him to use his influence with the parties that were busily engaged in preventing the Bog-side party from coming up; and during the time I was there I was struck with a stone from the opposite party, and Mr. Ferguson asked me how many men we had, and if we were fit to keep them back, and the Apprentice Boys shouted to be let down, and they would get them out of that, and I knew another of them besides Mr. Ferguson, and I spoke to him too, and I told him that we would keep them back, and for them to keep back and not to come down.

3480. Was that the Bog-side party that you speak of that were in Butcher's-street?—Yes, and Butcher's-gate.

3481. Those were the people that said they could not go down that way on account of the stones coming off the gate?—Yes, and after our speaking to the Apprentice Boys the stones ceased, and we went down again to the gate, and they were very annoyed about the other party, and I saw a few getting up on the wall again, and I was afraid that there would be a collision again, and I got up on the wall to prevent it.

3482. What party were they?—I consider of the Bog-side party—getting up. There were only two or three police there, and I commenced to run, and I had my rifle in one hand, I thought to frighten them, and so I did; and one man said that he would not leave, and another man struck me with a stone on the peak

of the egg, and it caused the blood to flow profusely at the time, and when I found I was struck I was fired to vengeance, and rushed upon the foe; some of them leaped down the wall; I cleared the gate anyhow before I left. I found the blood pouring on my hand, a very strong stream of it, and I shouted to one of the men underneath that I was badly hurt; and when I was turning back again another shower of stones came up, and one of the men was getting on the wall, and another shower of stones came again; and I thought it better to go and see the doctor, and then I went away into the barracks, and I saw no more that night; I went to the barracks, and when I was dressed and all I wanted to go out again, as I considered it a very bad night, and the number of men was very few, but the officer would not let me out again.

3483. After that you saw nothing more?—Nothing more that night.

3484. For the first time coming along your proper beat towards the Diamond you heard the firing of shots from towards London-street?—Yes, I considered them pistol shots, revolver shots; they were in quick succession.

3485. That was about eight o'clock?—Yes.

3486. Do you remember having seen the procession that took place here on the occasion of what we have known all through these proceedings as the Protestant meeting?—Did you see that?—I saw it up from me in the field; but we were not allowed to go that way.

3487. Did you see the procession marching through the street?—I am not talking of the meeting?—I did not.

3488. Now, on the 12th of July was there any disturbances here at all?—Last July?

3489. That is what you have been already speaking of—that was on Sunday?—No; the last was on Monday.

3490. You are quite right. Did you see anything happen on that day?—No; I was out in Denagel on duty that day, but I heard of something.

3491. Can you give me the name of any constable who was on active service in town that day as far as you know?—I think Thomas O'Donnell, Acting-Constable.

3492. That is the mounted man?—Yes.

3493. Now on the 12th of August last were you on duty in this city?—The last 12th?

3494. Yes, the present month?—I was; yes.

3495. And I suppose you saw the procession?—Well, we saw them passing the Town Hall. The men that came in from the rural districts were kept in the Town Hall. I saw the procession passing by the Town Hall.

3496. There was a large force of constabulary here, was there not, on the last 12th?—Something about 170 men.

3497. What number of military would you consider 170 police equal to—would they not be worth 300 for work of that sort?—The military bear a very high character. I would not like to—

3498. Out them down?—I would not.

3499. Mr. Commissioner MURPHY.—There were enough here on that occasion to have prevented that procession?—Oh, yes, I think so; the Sander rifle is so good.

3500. They would not use that?—I don't think they would if they did not resort to extreme measures.

3501. Mr. McLaughlin.—That is if they had to be

driven back by the butt of the gun or anything of that sort?—Oh, I should think 170 men would clear all before them with the butts of the guns.

3502. Would not 170 police, setting on a procession of two or three hundred men, clear all away before them with the butts of the guns?—Oh, they would, a thousand times.

3503. Had they any music with them—those prominent on the 12th of August?—Yes.

3504. Was that the band with the blue and gold?—Yes. I saw a strange band there; I heard it come from Colorado.

3505. Were they all playing the same tunes?—I do not know what tunes they played that day. We were in the Town Hall, and were not let outside.

3506. They played some music, and you saw no attempt whatever to prevent them?—None whatever.

3507. On last Thursday did you see the band passing to the railway station?—No, I was in Money-moor that day, I came in in the evening.

3508. Mr. Commissioner MURPHY.—When you say the day the Prince came in here you heard groans at the time "God save the Queen" was played, was that flag with the band, that we have heard of?—I think it was, but we didn't pay any particular attention to it as we were looking towards the Prince.

3509. But you did observe that flag carried that day?—Yes; I saw that flag carried down, but we did not inspect it minutely.

3510. Have you seen that flag carried often here?—Well, no; I cannot say I have.

3511. Mr. Commissioner MURPHY.—Though you used the words in vengeance you rushed upon so and so, you did not strike any one that night?—No; I had not my sword fixed.

3512. Were you loaded?—No.

3513. And all you used for your protection against the opposing numbers there was the butt end of your musket?—Yes; one man resisted, but I was struck by another. I only wanted to frighten them. I was afraid of a collision; I saw them getting up on the gate, and I went to put them off it. We were up with the Apprentice Boy party, and we advised them to keep back and we would keep back the other party, and I went up and looked down Butler-street, and I saw these other parties again collecting at Butler's gate; I was in dread they would come into collision; I was with the butt of my gun to frighten them, and I felt myself struck; I turned and ran, and there was only one young man, who put up his hands and begged for mercy, and I did not strike him; I let him go; but had I known that the stroke was so nearly taking my life as what the doctor said it was, I would have followed the man—he was nine or ten yards from me—I would have followed him and certainly tried to stab him, or do something, or arrest him, sooner than let him go.

3514. And you went to the barracks?—I was the first man that was injured, and I saw the officer at the barracks; but I knew the danger the men were placed in, and there were so few of them out that evening, and I wanted to go out again, but the officer would not allow me.

SCENE DAY

August 24

Sub-Commissioner Michael Reddy.

Dr. Burness White, J.P., examined by Mr. McLaughlin.

Dr. Burness White, J.P.

3515. You are a resident in Derry for very many years?—Yes, I have been all my life.

3516. I suppose you know Derry pretty well for the last thirty or forty years?—I know it very well for the last thirty-five years.

3517. You are a medical gentleman living in Derry and you have very extensive practice, I believe?—Yes.

3518. I suppose there would be no harm in saying that you have a more extensive practice than any other man here?—I am in large practice at all events.

3519. And that extensive practice brings you into

immediate communication with all ranks and classes of the population?—Yes, I am brought in connection with all ranks of the population from the highest to the lowest.

3520. And I suppose you avail yourself of that professional communication?—Professionally I do.

3521. I mean you avail yourself socially of it?—I do.

3522. And do you apply your best services, as regards the extent of your acquaintance, to the district about?—Yes. I know the people for a radius of about thirty miles round Derry.

SENTE DAY.

August 24.

Dr. Barnard
Wills, &c.

3523. And that, I believe includes portions of the county of Donegal as well as Derry?—Yes.

3524. I believe you are in the commission of the peace?—I am, for the county.

3525. I believe in politics you are a Liberal, and in religion a Catholic?—Yes.

3526. When you say you are in the commission of the peace, do you mean that you are a magistrate for the borough?—No.

3527. Have you ever been at any time offered the commission of the peace for the city?—Yes, I was offered it years ago, some time after Mr. Lytle was appointed Lord Lieutenant of the county, but I declined it.

3528. As a matter of fact—as a portion of our inquiry here is in reference to the magistrates—what was your reason for declining it?—Mr. Lytle said I was a very proper person to have appointed a magistrate of the borough. I said I could not give much time to it. He said that could not be expected, and pressed me to accept the commission. I said I would think the matter over, and give him an answer. After eight or nine days I wrote to him and said I would accept it, but subsequently, before the commission was issued, there came on a party display and proceedings were taken before the magistrates, and they were conducted in such a way that I thought them un-aided and partial, and I could not work with those gentlemen. I wrote to Mr. Lytle declining the acceptance of the commission, giving him my reasons, and asking him if the commission was not issued to stop it, and if it was issued to get it cancelled. Mr. Lytle wrote to me to say that he approved of my reasons, and that he wrote to the Lord Chancellor to have it cancelled.

3529. Fix the date of that as nearly as you can?—That was about the time there was a prosecution against the Apprentice Boys about some occurrences that took place after December, 1860.

3530. Do you remember the session that Mr. Major, &c., was brought down here specially?—No. 3531. Then that can't be the same occasion. Now, as a close observer of local history, and of men and occurrences, and all that, have you had any cause since that time to change your opinion?—None. Every year convinces me more and more that I judged wisely in not accepting the commission of the peace for the city.

3532. I need not say—because it is publicly known in Derry—you might have got it any time you liked in the mean time?—Oh, yes, it was offered to me afterwards.

3533. And not always by the one administration?—No.

3534. I believe you are not a man of extreme views on any point?—I believe not. I never took part in politics in my life, except to give my vote.

3535. And that very seldom, I believe?—I only voted twice in my life for a member of Parliament.

3536. Do you think the manner in which these party men that have occurred within the last year or so have been conducted, conferred on in the wisdom of the course you took in declining the commission of the peace?—Certainly.

3537. Did you hear or did you read Mr. O'Neill's evidence?—I read it. It was reported in the *Sentinel* newspaper.

3538. From your own opinion, and judging from your own intimate and exhaustive knowledge of the people of Derry, can you tell what is the impression of your co-religionists as regards the partiality of the magistrates?—As long as I recollect that I am in contact with them—for the last thirty-five years—in those cases in which religious or party feeling entered, the Roman Catholics were under the impression that they did not get fair play or justice. I never heard any one say they did, and I have frequently heard them say they did not.

3539. You are physician to the lunatic asylum?—Yes.

3540. Did you ever hear anyone there say they did?

—No, I did not.

3541. Because that is about the only place you would hear it. I ask you is that impression by the people, with reference to the partiality of the magistrates, right or wrong, and is your own opinion in concert with them?—Well, I read a little of local matters with reference to them, and I was not satisfied with the way things were investigated and decided.

3542. You were not satisfied?—No, I was much dissatisfied.

3543. And you say you coincide with the opinion of the people in this respect?—Yes, but not so strongly; in some degree.

3544. Now, had you had an opportunity of hearing what way the city police are held in public opinion?—The city police, as a body, are known to have connections and relations among the Apprentice Boys, and to take extreme views in politics, and they have not the confidence of the Catholic population, as undoubtedly anybody having the administration of the law ought to have.

3545. Could you, as far as opportunity of judging has enabled you to observe, give an opinion as to whether the Catholic population have ground for that opinion?—I think they should have confidence in those entrusted with the administration of the law.

3546. Mr. Commissioner Murray.—What Mr. McLaughlin tells us, are they justified in that opinion?—To some extent I think they are.

3547. Mr. McLaughlin.—You say it is of the utmost importance—and I agree with you—that the people should have the utmost confidence in every branch of the administration of the law?—Yes.

3548. You have travelled, I know, a great deal in many of the leading European countries, and have had opportunities of judging of the administration of the law?—Yes.

3549. Now, do you think the present magistracy and police arrangements in Derry will ever inspire confidence in the minds of a large portion of the inhabitants?—I should say not.

3550. Would you kindly tell the Commissioners your reasons, except so far as you have already disclosed them, for that opinion?—Well, the police who are engaged in carrying out the provisions of the law are suspected of strong partisan feelings, and the Catholic people believe the magistrates before whom they are brought, whenever they happen to be arrested, to have in a greater or less degree a partisan feeling.

3551. Was your attention specially called to that portion of the evidence of Mr. O'Neill where he says there exists an impression that the faith of the Catholics are not believed so readily as those of the Protestants?—I have heard Catholics of the lower classes state that.

3552. But speaking generally, there is a prevalent impression to that effect?—That is in cases of political and religious views both combined. I would not say that in a question of money account, or a question of dispute between a master and servant, there would be anything of that kind of feeling; but wherever those feelings, political or religious, come in, there is a large amount of distrust.

3553. From your knowledge of human nature do you think it hard to keep out this feeling from any one even not in itself of a political nature?—Well, it is. If people are brought up with extreme views, it is impossible to dissociate themselves from early impressions and a religious or political aspect may be accidentally given to any case.

3554. Knowing in a higher degree than any other man in the city the feelings of the people, can you say are they not generally a kindly and well disposed people?—Very much so. The entire population I would say are disposed to live kindly and peacefully with each other if they were not vexed by these annual displays. They are a kindly and neighbourly people, and would live on very good terms only for that.

3555. I believe that although they are occasionally a demonstrative people, they would live kindly towards

each other only for these displays?—Indeed they would.

3556. But on the occasion of these displays I believe the public mind undergoes a change?—I have heard people say so. I cannot say I noticed it myself, but I have heard people say they saw a difference in their neighbours some short time before these displays came on, and it remains for ten days or a fortnight after them. I was frequently told that.

3557. Those displays to which you allude, of course, are the 19th of August and 18th of December?—Those are the principal displays.

3558. When you talk of the principal displays what others do you mean?—Those are the displays; I don't think there are others.

3559. I want to know beyond all possibility of doubt if there have been other displays than those you allude to—displays on the 17th of March?—Not for a great many years. I remember when a schoolboy seeing a procession on the 17th of March—nearly fifty years ago—and the people walking through town with flags, in procession after midnight, at twelve o'clock, on the morning of the 17th of March. They were eventually restrained by the authorities, and they died away. I don't know why.

3560. Coming back to these displays of local occurrence, do you happen to know whether the class of people of whom I am questioning you regard those displays as insulting and offensive?—They do so, and always have done so. These displays, as I understand, did not commence until towards the end of the last century—the century of the reign of '82. At that time there began a struggle to get civil rights for the Catholics and Catholic emancipation, and they (the celebrations) have been kept up from that time to the present. I looked over the file of the *Derry Journal* through curiosity one time, from '72 to '78, and I could see no mention of it, so that for a century after the close there was no such thing.

3561. I must ask did you, as a Catholic, participate in the prevalent feeling in regarding these displays as offensive and insulting?—I would say any instructed man could think nothing else. These displays are intended to commemorate events that put down the Roman Catholic population of Ireland for more than a century, and made them the most degraded Christian population in Europe.

3562. Without education, or knowing the details, then, there does exist among the Catholics a feeling that brings them *per se* to the very rank you reason out yourself?—Yes; they have that feeling—that it is to grow over them and make them feel that they are not on an equality with others; that they are beneath them in every way.

3563. You think it would conduce to the peace and harmony of the town if they were put down?—I think processions of any sort should not be permitted, and no keep-holds given for them.

3564. I was just going to ask do you apply that observation to all?—I would stop every description of procession.

3565. No matter from what side?—No matter from what side.

3566. And all banners and music?—Yes; all banners and music.

3567. Mr. Commissioner EXHAM—In every part of Ireland?—In every part of Ireland.

3568. Mr. Commissioner MURPHY—In every part of Ireland in which you think they are regarded as triumphs of the past?—Yes.

3569. Mr. McLaughlin—In any locality where there was a specially excited feeling I suppose there would be a greater necessity for abolishing them?—Yes. I think this place would be very peaceable and very prosperous only that it is disturbed twice a year by them. The people of Derry are a kindly-disposed people, and were these celebrations prohibited I believe the result would be that harmony and good feeling would prevail.

3570. Do you think there ever will be peace and tranquillity in Derry so long as they are allowed?—I

do not think there will. There will be always bad feeling so long as they continue.

3571. Are these feelings you enumerate, with reference to all displays, opinions confined to Catholics alone?—I know a great many people—educated people—among the Protestants and Presbyterians who disapprove of them, some strongly and others less. Some think well of them—some think that old historic recollections should be kept up—and others disapprove of them altogether.

3572. Talking of these celebrations, have you observed whether, of recent years, as regards the addition to them from rural districts, there has been any change?—A very great change. Since the railway system has extended, large numbers of people are brought in to them from rural districts, who could not come in before.

3573. And I suppose the opinion you expressed in reference to danger is increased by that?—Certainly.

3574. Has the use of arms within the past fifteen or twenty years been made part of these processions?—They always had music. My recollection goes back to when the yeomanry used to come to the games and fire in half companies.

3575. Mr. Commissioner EXHAM—I do not think we need go so far back.

3576. Mr. McLaughlin—Very well. [To witness]—Confine your remarks to the last couple of years. I suppose the election created some excitement, as all elections do?—Yes.

3577. Do you think the feeling inspired by the election and its result would tend to make the towns more peaceable?—There was a great deal of excitement on account of it.

3578. More than during the previous twelve months?—I think there was. I am not in the way of knowing very fully. It is only incidentally I would know. I cannot know accurately.

3579. But what do you believe?—I think the state of excited feeling is exaggerated.

3580. You think the state of public feeling is exaggerated?—It is increased; but I think it is said to be greater than it really is.

3581. Then, though it is increased, it is not increased to the extent those who talk and write about it represent?—I think not.

3582. Mr. Commissioner EXHAM—And I suppose it is kept up or helped to be increased by all the writings?—Undoubtedly.

3583. Mr. McLaughlin—And I suppose the fact of two or three men being shot down in the Diamond would tend to keep it up?—That naturally caused great excitement.

3584. Do you know what the feelings of the Roman Catholic population are as regards giving physical opposition to these displays?—Well, I think there is a feeling getting up, or has just got up, that they will oppose them physically, and that these displays will some day lead to a sanguinary collision between the two parties.

3585. I will ask you another question. Do you happen to know, with reference to the tendency to offer physical opposition, that the clergy of your Church have been accustomed to facilitate peace and harmony on their flocks?—They have always done so, as long as I recollect.

3586. Do you think it would create confidence in the partiality of the magistrates, or in the administration of justice, if a stipendiary magistrate was stationed here?—I think to give confidence to the people they should have a stipendiary magistrate here, to act like the magistrates in Bow-street, London, and so decide all those cases having a political or religious tendency alone.

3587. Do you think the object would be achieved by the residence of one or two stipendiary magistrates here?—Well, if he did not decide those cases alone, and was over-ruled or outvoted by the other magistrates, what could he do?

3588. I was just going to ask you that question. Now, what do you think he could do if he was outvoted?—He could do nothing.

SEVEN DAY
August 24.
—
Dr. Barracall
White, &c.

SOME DAY

SAYED SA

Dr. Barnwell
White, &c

3628. And what do you think that two could do if two were stationed here?—They could be still outwitted, and we would be still in the same position.

3629. Now, is it not a fact that on the most critical occasion that occurred here—the admission of Barker to bail—the resident magistrates have been outwitted?—Yes.

3630. I believe Mr. O'Neill joined with the stipendiary magistrates in concentrating against it?—So the newspapers say. I know nothing about it.

3631. In that case, I believe Mr. Rea (adjutant) and Mr. Crawford (solicitor) prosecuted the murderer of O'Neill?—I believe so.

3632. And I believe the stipendiary magistrate and other magistrates recommended?—Yes, I remember there were two cases in which they were outwitted.

3633. In that case they stopped the inquiry before they heard the case for the defence at all?—As to that I can't tell. I do not remember the particulars very accurately.

3634. Do you happen to know Captain Coote?—Yes.

3635. Mr. Thompson, who is in Court, says he went with the document of the other magistrates?—Well, I do not remember exactly.

3636. Mr. Commissioner MURPHY.—Were the police admitted to bail?

3637. Mr. O'Leary.—The police were admitted to bail on their own recognisances.

3638. Mr. Commissioner ELLIOT.—Who admitted them to bail?

3639. Mr. O'Leary.—The magistrates; but it was not a charge of wilful murder in that case. It was for a felonious intent to kill and slay. [To Witness].—With reference to your suggestion that a police magistrate should be stationed here to act like the divisional police magistrate in Dublin, or Bow-street, London, would you tell why you think that absolutely necessary?—Because he would be a magistrate responsible to Government, and I think a man acting in that way would restore confidence to the people, and be looked upon in the light of an assistant barrister.

3640. And is there always confidence in an assistant barrister signifying no reference to political or religious views?—I think so.

3641. Unless something occurs to yourself to mention I have no further question to ask?—Nothing further occurs to me.

3642. Mr. Commissioner ELLIOT.—Not referring to Derry at all, is it your opinion that it is always best to have paid judges?—For political or religious cases, I would say yes, everywhere.

3643. I presume, from what you said lately, that your opinion is that it would be desirable to make a change in the constitution of the police force in Derry?—I think so. I think, to do away with the local force, who have enemies and friends here, and get the constabulary, who would be strangers, and would know nobody and nothing but their duty, would be best.

3644. Do you think that would conduce to the peace of this important city, and that the force to be here for the future should be the members of the Royal Irish Constabulary?—Yes.

3645. And offered in the usual way, of course. Now, tell me, you would calculate that such a force being here would tend in future to the repression of riot and disorder?—Yes.

3646. Having regard to that fact, and especially to the fact that a stipendiary magistrate was stationed here, you would not expect that then the same ground for this feeling of partiality should exist?—No. I think confidence would then be restored in the administration of justice; and then, if these particular demonstrations were put down at once, I think, in a short time, all would become and remain quiet.

3647. Is it your opinion that a stipendiary magistrate, with such of the local magistrates as are able to take their part of the duty at petty sessions, would carry on the business satisfactorily then?—I think on these particular questions the resident magistrate's opinion would be overruled, and I would

never have him on these particular questions decide alone.

3648. We have referred to these two cases because you said you heard a great deal of confidence expressed with regard to the conduct of the magistrates, or some of them, in these cases. We have heard up to the present of but four of the political cases brought before the magistrates complained of, namely, two cases by Mr. Heaton, which are personal matters to himself, and the other two mentioned to-day. Were there any other cases to your knowledge?—I can only tell you of general impressions. The Mayor's office is a place I am not in since every fifteen years, and I know nothing of them except by reading the local newspapers.

3649. Have you considered the number of the police force that would be required here in the event of any change taking place?—No, I have not, nor would I be competent to form an opinion.

3650. I suppose you as an individual would have no hesitation to contribute towards an increased taxation for the payment of the constabulary force?—None. I would have no hesitation in paying an increased taxation for peace and quietness. They would be well worth paying for.

3651. You say that parties have come into the town from other districts to join these proceedings?—Yes.

3652. Do you think, in consequence of that new element being brought into them, that the proceedings are viewed as more dangerous by the other party?—Well, I can't say.

3653. You think these displays have been always viewed by your co-magistrates in the light you represent them—in the light of secondary, or as displays of triumph?—Yes.

3654. In reference to that feeling which you say exists with respect to the administration of justice, from your long experience among the Roman Catholic population, are you able to say that it is widespread and general?—Yes, I would say that it is very general.

3655. Among a certain class?—Indeed I would say among all classes of the Catholic population, but I would confine it solely to political and religious cases.

3656. I suppose you know as well as any one else that when that feeling exists, all decisions—decisions that would be right and proper to themselves—are viewed through that medium, and become much distorted, and are viewed in a questionable light?—No doubt of that.

3657. And regarding decisions that are very free from corruption, and from partiality, yet in the present state of feeling animosity might be attributed to them?—Undoubtedly.

3658. Of course we know that it is not sufficient that justice should be pure and impartial, but that it should convey that feeling to the population?—Yes; I think it is of great importance to the community that that belief should exist.

3659. Mr. Crawford (solicitor).—You never personally knew of any partiality to exist among the magistrates?—I will not say that.

3660. Is there any case in which you know of it to exist?—Well, there is, a long time ago, a case—within the last two years.

3661. Mr. O'Leary.—Would it not be right to ask for whom Mr. Crawford appears?

3662. Mr. Crawford.—I appear here for myself as a witness.

Witness.—I have very little knowledge of these things—I am so busily employed.

3663. Mr. Crawford.—And it is only from reading the papers you know?—Yes.

3664. And personally you did not know?—Personally I do not know.

3665. Mr. Commissioner MURPHY.—His evidence has been distinct as to a prevalence of opinion in reference to the partiality of the magistrates. I think you said also that your practice is extensive, and as long as it has been so in this county and city, it is not

confined to the members of any religious denomination?—Certainly not. Three-fourths or three-fifths of my practice is among the Protestant and Presbyterian population.

3627. I think you have already told us that you were enabled to say that respectable members of the Protestant community are equally anxious for the suppression of these processions?—Several.

3628. Mr. Commissioner KEHAN.—From your own

conversation with them you know that?—I know that from my conversation with many of them.

3629. Mr. Commissioner MURRAY.—So far as you are concerned, it is your opinion, that for the well-being of the city, all the peaceful inhabitants would wish these displays should cease?—Every one of them almost desire that. Many of the better class of Protestants would be very anxious to have this sort of thing put an end to.

SOUTH DUN.

August 26

Dr. Hennessy
White, &c.

Mr. James M'Druid examined by Mr. M'Loughlin.

Mr. James

M'Druid.

3630. You are a resident and merchant of Derry?—Yes.

3631. And in politics I believe you are a Liberal, and in religion a Catholic?—Yes.

3632. You never took any very prominent part in politics one way or the other?—Very little.

3633. I suppose from the position you occupy as a business man, and as a man long resident in Derry, you have good opportunities of knowing the feeling of the people?—Oh, yes. I have frequently had conversations with them.

3634. Whether rightly or wrongly, I believe a desire does exist among the Catholic population to look upon these exhibitions as insulting and offensive to them?—Yes, and to many others beside Catholics.

3635. I was going to ask you that question. You said by many others beside Catholics they are looked upon as offensive and insulting?—Yes. I have frequently had conversations with members of other denominations on the subject.

3636. And I suppose they think the peace of the city would be greatly increased, if these things were done away with?—There would be a tendency to that if these processions were abolished.

3637. Do you think there ever will be peace in the city until they shall be?—Well, I do not know, but it would help to attain that object much sooner if they were put an end to.

3638. With regard to the evidence given here as to the prevalence of a certain feeling among the people, do you happen to know does it exist very extensively among the lower classes?—Not that I am aware of.

3639. Supposing Mr. Chaffery and Mr. Lynch came up and proved it, would you have any reason to disbelieve it?—I would have reason to believe what either of them would say, but I do not know of it myself.

3640. Mr. Commissioner KEHAN.—As an inhabitant

of the city, knowing the people well, and living amongst them, do you think it desirable that a change should be made in the constitution of the police force?—Certainly I do.

3641. And that change, what should it be, in your opinion. Should it be to a local force or to members of the constabulary?—The members of the constabulary force I would consider most suitable for the city at the present time.

3642. And then, I presume, you would say it would be desirable to have a resident magistrate here at all times?—Certainly; a police magistrate.

3643. A police magistrate. Do you mean a resident magistrate—one of the regular resident magistrates, such as Mr. Coote or Mr. O'Donnell?—Yes.

3644. Or Mr. Keogh, who, I believe, has been recently appointed?—Exactly. I think it essentially necessary for the preservation of the peace of the city.

3645. And have you considered at all the number of the police that you think would be requisite?—I never gave it a thought.

3646. As far as you know would there be any objection on the part of the inhabitants of the city to pay such an increased taxation as might be fairly necessary for the purpose of maintaining that new force?—That I cannot say, but I think it would be a disadvantage to themselves if they did object.

3647. And you, as an individual citizen, would not object to pay your proportion of that tax?—Of course not.

3648. And, I presume, when you say these processions should be abolished, you speak also of those bands going about playing party tunes, and anything that can excite the party that is opposed to them?—I would treat bands of every description in the same way as processions.

3649. And flags and banners?—And flags and banners, and bands of music of every description.

Sub-constable Thomas M'Donnell, Royal Irish

Constabulary, examined by Mr. M'Loughlin.

Sub-Constable Thomas
M'Donnell.

3650. I believe you were on duty at the time of the attack on the Corporation Hall?—Yes.

3651. And you have heard from time to time, the evidence that has been given here in court about it?—Nearly the whole of it.

3652. And your evidence would be merely a repetition of what we have heard?—It would be a repetition of what you have heard—except one part Mr. Stafford omitted with respect to the party on the gun-room. I was the person who carried the message between the officer and the magistrates, and Captain Peel placed a large force on the gun-room that night.

3653. Mr. Commissioner KEHAN.—Was that after Captain Stafford had been there?—Exactly—and in consequence of what he said Captain Peel placed a larger force on the gun-room that night.

3654. And that was for the double purpose of protecting the gun-room and preventing the guns being brought out?—Yes, one party was afraid lest the guns should be fired at them—the other party were afraid they would be attacked and taken from them.

3655. Mr. M'Loughlin.—Were you in Derry on the 29th of April last?—I was. I heard a question

asked with respect to the constabulary watch on Ferry-quay-street—I was at Ferry-quay-street that night.

3656. What night?—The night of the 13th of July, last twelve months—I was in Mulligan that day.

3657. Mr. Commissioner KEHAN.—How many men did you see in the Glen that day?—Previous to Mr. Stafford coming up, I counted the arms—there were seventy-one stand of arms with the Orange party—seven stands of colours-wards.

3658. What is a warrant?—A warrant is carried between the two front men of each particular Lodge.

3659. Mr. Commissioner MURRAY.—What series do you say you saw?—Seventy-one guns, about thirty or thirty-five swords, and about twenty large home-pistols, and some short smaller cane-bowden. I should say over one hundred stand of arms altogether.

3660. Mr. Commissioner KEHAN.—The party in the Glen, could you give us an idea of how much they had?—I could not, for I had to return. When the Orange party fired colours, I had to return to get the military.

3661. But did you see the party in the Glen?—I did, I went down afterwards to the railway station, to receive the military and bring them up to the scene of

SIXTH DAY.
August 24.
—
Sub-Commissioner
Thomas
McDonnell.

arise, when on the way I met numbers of persons inquiring the way—every man of them was armed—they were depending.

3602. About how many did you meet in that way? I met between fifty and sixty—not in a body—but in twos and threes—that was later in the day, just as the military approached, when all was getting quiet.

3603. Was that the first you saw of the Muff Glass party?—That is all.

3604. I suppose you went another way?—I went out one road and came another.

3605. When you came into town in the evening what did you see?—When I came in—that that time I lodged in the Diamond, and from the room I lodged in I had a perfect view of Bishop-street and the north side of the Diamond—I was taking my dinner when I heard a cry in the Diamond, and I saw an appearance of people going up Bishop-street. I hurried over to Ferryquay-street—there was great excitement and a large crowd of people. Just as I approached a man was stabbed in the chest. He fell on the ground, and remained there. Parties professed their services to me—some civilians—to make arrests, but I did not consider it prudent to do so, not having help, but I said I would get the names of parties and have them summoned, and so I did. I returned to Bishop-street and there met our own force coming down after leaving prisoners up. All the city force moved together and remained in Ferryquay-street, and peace was restored in a couple of hours afterwards. The person who stabbed the man was brought before the Bench by me, and he was fined ten shillings by the magistrate; the name of the man who was stabbed was Doherty, and I believe the man who stabbed him was Tom Wright.

3606. About how many were in each opposing crowd that night?—The party that went up Bishop-street was a large party.

3607. What party were they?—Principally the Roman Catholic party.

3608. The Bog-side party?—Yes.

3609. The other side, was they a large party, too?—Yes, they were scattered in two places.

3610. And I suppose equally ready as the others to begin to fight?—That is just the way, on all occasions when they meet they generally pitch into each other.

3611. Did you hear any shots fired that night?—I did not hear shots fired that night, but stones were thrown freely.

3612. And thrown freely by both sides?—Yes.

3613. And glass broken by both sides?—Yes, there was plenty.

3614. Did you see anyone else arrested, or did you make any other arrests?—There was a man named Doherty arrested by a party when I was looking out of my room window. He was McDonnell was stabbed in Ferryquay-street by Wright. Doherty was also arrested previously. He was fined 10s.; he belonged to the Bog-side party.

3615. Mr. McDonnell—Did Doherty stab anyone?—Not that I heard. He was only returning from Abercrombie-road.

3616. I believe Wright, who was charged with stabbing McDonnell, was fined the same amount as Doherty who was not charged with stabbing anyone?—He was fined 10s.

3617. Were you present at the trial of Wright?—I was.

3618. Was evidence given of the actual stabbing?—McDonnell himself gave evidence, and I corroborated his evidence.

3619. There was no doctor examined?—No.

3620. Where was he stabbed?—In the chest.

3621. You saw it?—I did.

3622. Do you know, from your own knowledge, of what religion McDonnell was?—I believe him to be Roman Catholic.

3623. Is Wright a Catholic also?—No.

3624. Doherty is a Catholic, I believe?—Yes.

3625. And I believe the charge against him was that he made use of some expression?—Exactly.

3626. And was acting turbulently also?—Just so.

3627. Were you out on the night of the 5th of February?—I was out mostly every night there was anything to be done.

3628. Were you at Bishop's-gate that night?—No. I was acting in the carrying of despatches between the magistrate and the officer. It occurred in this way—The men were all leaving, and Mr. Derosen asked me to go to the barracks. I said I could not leave the man's property and appointments without some one to take charge of them. He insisted on me going to the barracks to procure all the men I could. I did so. After him the late Mayor came running also. He also told me to go. Mr. Derosen sent his own son to Mr. Stafford to come to Bishop's-gate, and concentrate his force as soon as possible.

3629. Mr. Commissioner Ruxton—Those two magistrates were on duty that night?—I saw them running.

3630. Do you mean the late Mayor, Dr. Robinson?—I do, Dr. Robinson, the late Mayor. He himself spoke to me, and told me to run as quickly as I could to the barracks, and gather up all I could. He told me where Mr. Stafford was.

3631. You saw him running?—He had to run.

3632. Why do you say he had to run?—He was running—making all the haste he could.

3633. Mr. McDonnell—Now, that night were you at Bishop's-gate when some of the peace-keepers broke in?—No, I was gathering the forces at that time.

3634. That is towards Bishop's-gate?—Yes; they went all concentrated beyond Bishop-street up to Bishop's-gate.

3635. I suppose before that you saw the tar-barrels made the wall?—I was sent to reconnoitre.

3636. Was that the same night?—The same night—there were tar-barrels.

3637. You reconnoitred them outside the wall?—Yes.

3638. Did they send you to reconnoitre also on the 1st of January, 1869?—Yes, I was out on duty that night also.

3639. Did you reconnoitre the tar-barrels on that occasion, inside the wall?—Yes; I saw them.

3640. Were you reconnoitring also on the 5th of December, 1868?—Yes. I saw tar-barrels that night inside the wall.

3641. Do you know Parap-street?—I do.

3642. Did you see a tar-barrel there?—I did—it was burning there.

3643. Coming to the unfortunate 28th of April, were you on active service that night?—I was.

3644. What time did you go on service that night?—After the arrest being made in Bishop-street, word came to the barracks to turn out all hands.

3645. Is that the arrest which has been spoken of—that of the man who carried the banner?—Exactly.

3646. What is his name?—I don't know his name.

—High Tolen, I believe, is the man. He was taken to the barracks. He had a large sponge-rod with him.

3647. A sponge-rod for muzzling some a cannon?—Yes.

3648. Taken from others in London-street?—Yes.

3649. Did you see this Hibornie flag band with the white flag?—Not at the evening, but in the morning I did. It formed part of the procession before the Prince.

3650. Did you hear it said any one should be arrested in consequence of the flag not having the crown?—I heard the suggestion made, and the answer it met was that they had as good a right to carry that flag as the other party to carry theirs.

3651. Whereabouts was the suggestion made?—It was made by some people in different parts of the town. We met the Prince at the railway station. Mr. Stafford commanded the party. We met him at the platform and the Tradesmen's band waited outside just where the carriage was, and played "God save the Queen."

3652. That is the band that practices in Bridge-street?—I don't know where they practice, but they

played "God save the Queen," and we got the order—the four mounted men—to proceed slowly; we did so until we came to the turn where we met this Hibernia fire band with their flag. They fell in immediately close to the carriage; two or three carriages followed in the rear—the band played music round by the Abercorn-road, by Bishop-street, and down to the Town Hall.

3713. Could you say what it was the Hibernia fire band played?—They played "Patrick's Day."

3714. "Patrick's Day"?—Yes.

3715. Was "God save the Queen" played by the fire band?—"God save the Queen" was played by the Tradesmen's band immediately on the reception, the others played right after the carriage in Abercorn-road into Bishop-street.

3716. Did you see any other band there, waiting to receive the Prince?—No.

3717. You did not see the Britannia band?—No.

3718. The Britannia band have a blue uniform something like that of the artillery?—Yes.

3719. Have the Hibernia fire band any uniform?—They have.

3720. What is it like?—I think blue with facings of white.

3721. Blue and white?—I think so.

3722. The Tradesmen's band, have they any uniform?—No; I think they have a cap.

3723. But no actual uniform?—No.

3724. Did these two bands come up all the way?—I believe the whole way, and there was cheering going on—first and foremost, there was cheering for Her Majesty; next, for the Prince; then for the Liberal Government. There was also cheering for the city member, Mr. Dewar; then there was cheering and counter cheering—one party opposing the other. I do not think there was very good feeling between both.

3725. As they came up to the Imperial Hotel, one party was cheering, and the other party was protesting that party?—Yes; they all came up to the Hotel and remained there for some time.

3726. Now, during all this time, did you hear any party tunes played?—Well, I am a very bad judge of music. I heard "Patrick's Day," and I know that that is regarded here by some parties as a party tune, though it is sometimes played by the military.

3727. I may ask you in it your opinion, as a member of the force, that all musical displays from any party ought to be put down as dangerous to the public peace?—Well, I do not know as to that, but no matter what time the bands are brought out they are always creating a row.

3728. They came on to the Corporation Hall?—Yes.

3729. All that time there was no disturbance?—None but cheering; I think they were preparing for it.

3730. Had the guns been fired at that time?—I heard reports.

3731. That is the royal salute as the Prince was coming in?—Yes.

3732. The Prince I believe went to the Corporation Hall to receive an address?—Yes.

3733. Whereabouts were you then?—We were in Bishop-street the whole time.

3734. Keeping order?—Keeping order.

3735. Did you see any disturbance?—None whatever, except every person forcing his way to see the Prince.

3736. Do you remember being at night up at the Imperial Hotel?—I do.

3737. What time were you there?—After the arrest being made.

3738. What time was the arrest made?—About ten minutes after eight o'clock.

3739. That is the arrest of the man with the revolver?—Yes; and there was an order given for all hands to turn out immediately. I had to go a considerable distance for my horse, and during my absence the Sub-Inspector was informed that things were in a very bad state, and he was down before me, while I was

saddling my horse he was down before me. I took the nearest way to join my comrades, and before I got up near the street, both parties were at it very hot—stones were thrown freely.

3740. You mean at Butcher's-gate?—Butcher's-gate. Both parties were at it very hot—so much so that I was hit three times by stones myself. I heard shots fired; one man said "don't take his life." I understood this to be that I would be killed if I did not run away. I got a blow of a stone at the back of my head, which made me altogether incapable for two minutes or so. I did not want to retreat. So I turned and drew my revolver, and told them that the first man that threw a stone at me I would shoot. The moment I drew the revolver there was a volley of stones by me or seven persons. I immediately fired; the parties on the wall attacked me again with a shower of stones. I presented my revolver a second time, but did not fire. They retreated, and I pursued them, keeping them before me the whole time, till they got to the gun-room.

3741. Which party did you fire at?—I fired between both parties. I could not particularise which party.

3742. You meant by the stones coming so quickly?—So thickly, and they striking me. When I came as far as the gun-room I partly got frightened. I drew up the horse and made a sort of a halt. After a little time I gathered up courage again, and advanced a little further, and no stones were thrown at me after that. They turned down Society-street, and I turned down the corner and saw the same party bringing out the guns. I went towards them and said the first man that would bring out the guns I would shoot him.

3743. You mean the cannon?—Yes, at the corner of Society-street, where the gun-room is.

3744. At that time were there many men in Society-street?—There were a great many people in Meeting-house-row, towards Bishop's-gate, but there was no crowd before me; this was, I think, about nine o'clock. I then came across and joined my comrades, and told them what occurred. Some of them were badly wounded. I asked them had they a magistrate; they said no, that they could not get one. I said I knew the late Mayor was with the Prince, and that I would go to him. I went to the Imperial Hotel and called out and gave the alarm, telling every person that would not get out of the way that I would put them out of the way. Some persons said "Don't be alarmed," I replied, if they had got what I had got, they would be alarmed. Some of the parties then received me with a cheer—parties who were taking stock of what was going on. I spoke as loud as I could at the door of the Imperial Hotel. After some time—

3745. You did not dismount at this time?—No; at this time my three comrades were with me, and about ten or fifteen minutes afterwards a man made use of the expression, that if it was a thing a magistrate did not come there would be bad work, as he could not keep back the boys any longer—I gave the name of the man in Court. Mr. Stelford came then and he got no hearing—he was heard no more than myself, and I heard him say, he would not be accountable for either life or property in that state of the town. After about ten minutes I said I was ready to go for the military, and that they ought to be brought. A gentleman came then, whose name I knew afterwards, and he asked me did I see bullets at the mob? I said, "yes." He said I had no right to do so; and I told him, if I was attacked again in a similar way, I would do so in my own defence. He then told me to return my revolver, and I said (I carried it still in my hand) that I would not take any orders from him. He said I had a right to do so.

3746. Was that man a magistrate?—No; I asked him was a man to stand up to be killed in the public street? He said that was what I was paid for. Nothing serious had occurred before then; but then they came down from Society-street, cheering.

3747. Who did?—The Orange party; and I saw the bad work commenced.

SIXTH DAY.

August 26.

Sub-Com-

stable Thomas

M'DONNELL.

NEW DAY.
August 24.
—
Sub-Com-
missioner Thomas
McDonnell.

3748. When do you say the "bad work" commenced?—When they came out of Society-street, cheering.

3749. What do you mean by "bad work"?—That was what the gentlemen who I believe to be the leader said—that is the expression he used towards me.

3750. Mr. Commissioner MURPHY.—Did you hear shots immediately?—I did—at once; there were shots from time to time all the evening.

3751. Did you hear many shots at that time?—I suppose there were six or seven shots fired there, and immediately after I heard the reports I told my comrades that I believed my own men were after firing, as the reports appeared to be louder and stronger than others.

3752. You were at the Imperial Hotel at that time—was it in the Diamond?—I was immediately above Society-street. We came down afterwards. One of the bodies was lifted and carried in; the other was neglected for some time. In about five minutes not one could be seen in the street, except the party seen by the corpse. I wish to make a remark: Had I been attended to at nine o'clock, or ten minutes after, and been sent for the military, as I was prepared to go, I believe—it is my opinion, as far as I am allowed to give it, that no damage would have been done.

3753. Mr. Commissioner EKHAN.—If there was a force of men to prevent the two parties getting together?—If there was a sufficient force at hand.

3754. Mr. McLaughlin (to witness).—Were you the constable that rode for the military in the night of the attack on the Corporation Hall?—I got the dispatch; another constable went with it.

3755. At the time you were at the Imperial Hotel was there any band playing?—No.

3756. Can you form any idea of what was the number of the Society-street party?—They were running to and fro; they did not stop together any time.

3757. Did you see revolvers?—No.

3758. Did you see flashes?—I saw flashes occasionally.

3759. Was it very dark?—It was dark.

3760. I suppose the same body that came out of Society-street turned into Bishop-street and went down?—Yes.

3761. You were not in the Diamond?—No.

3762. When you went there they were taking away the dead bodies?—They were.

3763. I believe the shot you fired didn't harm anybody?—None, I believe.

3764. You are not one of the men returned for trial?—No.

3765. Mr. Commissioner EKHAN.—At the time you were holding that conversation at the Imperial Hotel do you know was fighting going on between the two parties?—The whole time. It never ceased from eight o'clock till half-past ten—from the end of the Diamond to Bishop's-gate—it never ceased.

3766. For how long?—For two and a half hours.

3767. Do not a good many magistrates live in the town?—They were looked for—a great many were

looked for—but were not to be found. Mr. Thompson was the only gentleman that made his appearance.

3768. You yourself did not go for anyone, except to the Imperial Hotel for the Mayor, and he was with the Prince?—Exactly; I went to get an order to go for the military.

3769. And you were not allowed to see him?—No. 3770. Were there not other magistrates close by?—We could see none whatever.

3771. But might they not be at their houses?—They were looked for, but could not be found.

3772. Mr. Commissioner MURPHY.—Mr. Stafford was with Mr. Thompson?—He was.

3773. And he did not succeed in getting admission?—No.

3774. Mr. Commissioner EKHAN.—Were you there when Mr. Stafford went up?—I was there previous to Mr. Stafford, and secondly, too, and thirdly.

3775. When was it you had the consultation with the gentleman?—After it was ascertained from Mr. Stafford that the men had to fire in their own defence.

3776. Then it was after the affair was over?—Not at all. There were three firings that night. This was the time Mr. Stafford's own men had to fire; some of them were stated to be badly injured. They were kept out of the gate—three or four of the foot men. I was there.

3777. Best out of the Butcher's-gate?—Yes.

3778. Could you form any idea of the number at each side then?—Well, the wall was lined at both sides backwards and forwards.

3779. Was there firing then?—Shots were fired to my knowledge, besides stone-throwing; and the houses at each side of the gate were badly wrecked.

3780. Do you remember any bystander saying there was no occasion to go for the military, and that the thing would blow over in a few minutes?—No, I did not. We were crying out as far as we were concerned, to get the military, but some people spoke to Captain Stafford at the door, and said there was no occasion. One man, I recollect, made the remark to us that, on account of the Prince being in the town, they ought not to be sent for. That was a gentleman who was speaking to myself.

3781. You say that, while the Hibernia Band were carrying that flag during the afternoon, you heard it remarked that they ought not to be allowed to carry the flag?—I heard the opposite party state it.

3782. Such a flag as that?—Yes.

3783. That particular flag?—That particular flag.

3784. And they said they had as good a right to carry it as the others?—Yes; and they said if the other parties would stop they would stop. They also remarked to us that as long as the other party got leave to march they would march.

3785. Have you been here long?—Two years and eight months, and eleven years in the county.

3786. Do you know anything of the arming of the population here?—No more than hearsay.

3787. And as far as you are able to get information do you believe they are?—Well, I firmly believe they are well armed.

Mr. John
Conry.

Mr. John Conry examined by Mr. McLaughlin.

3788. You have been a resident of Derry for very many years?—Yes.

3789. How long may I ask you?—From my birth.

3790. I suppose you know Derry pretty well?—For the last forty or fifty years.

3791. You are a Catholic?—Yes.

3792. I believe that Derry people, as a rule, are kindly people towards each other?—Well, I have reason to say so.

3793. You are engaged in business?—Yes.

3794. For how many years?—Forty years and upwards.

3795. And, I believe, from the position you occupy

amongst the Catholic community, you have peculiar facilities for knowing their views?—Yes, I have.

3796. And, may I ask you, have you been a member of the Committee of the Catholic Church here?—I have, for the last thirty or forty years.

3797. Now, with respect to these local displays of any description, from any sect or party, are you of opinion that they are dangerous to the peace of the city?—Oh, undoubtedly—there is not a doubt of it.

3798. Whether they come from Protestant or Catholic?—Yes.

3799. Whig or Tory?—No doubt of it. One should be put down as well as the other.

3300. One should be put down as well as the other?

—Yes.

3301. Of course you mean any procession with banners, banners, or anything else?—Yes.

3302. No matter whether Catholic or Protestant?—Yes.

3303. No matter what times are played, whether originally called party tunes or other tunes?—Yes, of course, party tunes are most objectionable.

3304. But the others are objectionable to a less degree?—Yes.

3305. Mr. Commissioner EXHAM.—You would put down all music by bands in the street, as I understand it?—Yes.

3306. Mr. McLaughlin.—I believe for a length of time past there has been no procession on the 17th of March, or anything of that sort?—No; there was one several years ago, when Dr. Miller was chief magistrate, and I think it was put down at that time.

3307. You are aware that there have been always two state processions in the year in Derry—the 12th of August and the 16th of December?—Yes.

3308. And sometimes on the 12th of July, I believe?—Well, there may be, but I don't recollect. It is not as usual as others.

3309. As far as regards the religious community you are connected with, and altogether apart from whether that opinion may be well founded or the reverse, I believe the opinion does prevail that those exhibitions are offensive and insulting?—Oh, no doubt of it.

3310. Now, is that generally prevalent or universally prevalent?—It is universally prevalent in the Catholic community of Derry.

3311. You yourself participate in that opinion?—I do, and I think every Catholic does, and a great number of other people too.

3312. It is not confined to the Catholic community, that feeling?—No; it is not, I have heard the same opinion expressed by liberal Protestants and Presbyterians.

3313. I suppose you would say, having regard to recent events, disturbances, and one thing or another, that it is particularly necessary that those exhibitions should be avoided now?—Undoubtedly, I think if they are not put down serious results will eventually follow.

3314. You think if they are not put down serious results will eventually follow?—Yes.

3315. I suppose you speak partly with regard to the recent event—the unfortunate affair ending in the loss of life—and partly with respect to the exaggerated state of public feeling?—Yes.

3316. I suppose you have heard it stated that the people on both sides are armed to a very extensive and deadly degree?—I have heard so. I know nothing of it but by public report on the subject.

3317. Have you heard it?—I have.

3318. Have you heard it in such a way that you believe it?—I have; I have no doubt of it.

3319. Of course that would increase the danger?—Of course it would, parties being armed.

3320. I suppose you are aware efforts have been made by people connected with your side to prevent the Catholics offering any resistance?—Well, I have heard that they have been advised by the bishop and, I believe, other influential Catholics.

3321. Not to interfere?—Yes.

3322. Do you think it a desirable thing that the city police should be abolished, and the work now done by them should be performed by the constabulary?—Yes, I know the people have not the same confidence in the city police as in the constabulary. They are more under the influence of the different committees appointed by the Corporation; that is a reason to some extent for what I say.

3323. That the city police are more under the influence of the different committees appointed by the Corporation?—Yes.

3324. I suppose you mean the Police Committee?—Yes, just so.

3325. I believe you yourself, at one time, were a member of the Corporation?—Yes.

3326. You have not been so lately?—No.

3327. Do you happen to know, of your own knowledge, that a good number, or at least some of the members, of the city police have some or other relations members of the Apprentice Boys' club?—I don't know of my own knowledge. I don't say it is so, but I don't know.

3328. As far as you have had an opportunity of acquainting yourself with the opinion of your co-religionists, do you know have they a feeling of confidence in the impartiality of the local magistrates?—Oh, I think not. Recent events have shown that they could scarcely have confidence in them.

3329. I suppose in political and party cases there exists that feeling of want of confidence, whether rightly or wrongly?—I think in more civil cases than the magistrates acquit themselves very fairly, as far as I am recollect.

3330. Do you think that this opinion I allude to does prevail as regards political or party cases?—Oh, no doubt of it.

3331. As far as regards your own independent opinion as one of the public, are you inclined to think there is some ground for that impression?—Yes; I think so.

3332. And, in point of fact, to some extent, you concur in that impression?—I do, in reference to political or party cases, but as to all civil cases, matters of account, and things of that sort, I think they do the work extremely well.

3333. In all civil cases of the ordinary character you think the magistrates do the work extremely well?—I do; there is no doubt of it.

3334. I believe the magistrates consist of some of the most respectable men in the city?—Yes.

3335. Do you think that the permanent residence here of one or two supplementary magistrates, my two, each of them being of a different religion, would tend to begot public confidence in magisterial decisions?—I would say so; but at present, as the bench is constituted, there being a majority of what are called Conservative magistrates, I think two resident magistrates would have very little chance of doing a case if it went by voting.

3336. You would be afraid, I suppose, that they would be selected?—Yes. That has been already the case in many instances.

3337. But suppose there were two supplementary magistrates, each of a different persuasion, sitting here to decide on cases of a party and political character, do you think their adjudication would give public confidence?—It would, to a great extent, but the same difficulty arises if they have a majority of Conservative magistrates against them, to swamp them.

3338. I understand it—That would still give a great deal of dissatisfaction, even if the bench were so constituted. Are you aware of what happened of late, that on some occasions the supplementary magistrates differed from the course taken by the majority of the bench?—I have understood so.

3339. In a matter of life and death?—I have understood so.

3340. Do you think that a magistrate, appointed and sitting to discharge the duties as a divisional magistrate does in Dublin, would be a better system?—I think that would be the best arrangement that could be made, that they should have jurisdiction over those police cases, and the city magistrates would not be allowed to interfere.

3341. Then the city magistrates would have nothing to do?—I mean by police cases political cases.

3342. I suppose you mean by police cases, cases of riots, riots, and disturbances of that kind?—Yes.

3343. Riots made by the local force?—Yes, and riots arising through personal quarrels and matters of that sort.

3344. Do you think the decision of such a magistrate as you have been proposing would give public confidence?—Yes, I think so.

3345. Do you believe, if this arrangement for the reconstitution of the bench was attended by any

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Mr. John

Casey

SEITH DAY
—
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Mr. John
Cassidy

greater expense in the way of taxation, that it would be cheerfully borne by the inhabitants, in consideration of the greater benefits it would confer!—I think it would.

3845. And as far I suppose as you are personally concerned you pay a good deal of rates!—A good deal.

3847. And you, as a man who pays a good deal of rates, would be in favour of it?—Yes, I should.

3848. And you think others would too?—Yes. I think every person who values well to the community ought to bear his share of the additional expense, if any.

3849. I suppose if the re-constitution of the city police, by giving you constabulary, also involved a greater expense in the way of taxation, the same cheerfulness would be exhibited to pay the additional taxation imposed?—Well, I think so.

3850. As far as regards your own opinion you have no doubt of that?—I have no doubt of it. It is my opinion.

3851. Mr. Commissioner KIRKHAM.—Have you considered your views with respect to the magistracies. You say these are confined to recent events?—Yes.

3852. Those cases lately?—Yes, that is just it. I have even seen in older times the same sort of feeling, but I cannot charge my memory with anything particular.

3853. Have you ever been offered the magistracy of the city?—No, I was not.

3854. You are aware, you say, that that feeling is abroad. Now, may I ask you don't you think that if the Bench was constituted so that there would be sixteen or seventeen Roman Catholic magistrates, and none of the Protestant persuasion, or only one or two, the same feeling would exist on the opposite side?—Undoubtedly; it is only reasonable to think so.

3855. Of course you are in favour of the abolition of the present local force?—Yes.

3856. And of placing the police duties in the hands of the constabulary?—Yes, they would give more satisfaction, I am sure.

3857. In your opinion that would have a very great effect in putting an end to rioting here?—I think it would. They would be more firm in their conduct.

3858. And they are better armed and drilled?—Yes.

3859. Having regard to that fact, and to the absence of what are called political rows in the streets, would not cases arising out of personal quarrels be likely to be reduced?—Very much so.

3860. Does that alter your view with respect to the local magistracies?—Well, I don't know. I cannot say it would. I don't think it would alter my view as regards them, if the Bench is still constituted in that way, in the objectionable manner I have alluded to.

3861. The objection would not be done away with by the abolition in the municipal force?—No.

3862. But, of course you are aware of this, that, with the exception of Dublin, there is no place in Ireland in which magistrates of that kind are abolished?—I believe so.

3863. And are you aware of what happened formerly at Belfast, and how things are going on there now?—Yes, I know that.

3864. Well, what I want to know is this.—Suppose the peace of this town was entrusted to the constabulary, properly officered, and that a resident magistrate were here, would you still adhere to your views?—would you have two benches of magistrates, one to decide merely small cases, and matters of that description, and the other magistrate to decide political cases?—I think that one or two police magistrates would be preferable, for deciding political cases, to a large Bench, if that is what you wish me to answer.

3865. But then I understood it is your opinion, that the placing of this city under the hands of the constabulary, with an ample force to prevent rioting or to put it down instantly, those political cases to be brought before the magistrates would be likely to decrease very much?—No doubt of that.

3866. You know with respect to paid magistracies they would cost a great deal to the inhabitants?—No doubt.

3867. And don't you think that, with the constabulary as a police force, and with a stipendiary magistrate and the ordinary magistracies, such as are in every town in Ireland, things would quiet down and all go right?—Well, I should hope so, but at the same time the decision of the magistracies would be open to the same objection. I still hold that the public would not have the same confidence in these decisions.

3868. Mr. Commissioner MURPHY.—You think that if the form which is called "polling the Bench" was carried on, the desired effect would not be produced?—I don't think it would in those political cases.

3869. There would be no objection at all in any civil matter, or any case as between man and man?—No, in such cases I don't think we could get fairer magistrates than we have, apart from political matters.

3870. But if political excitement and the feeling of animosity between different parties was toned down, by the presence of an effective constabulary force, and the suppression of offensive displays, don't you think, then, confidence would begin to be restored, even in the other direction?—No doubt of it, and I think we might reach the time when it would matter little to us whether Protestants or Catholics were magistrates on the Bench, but I think the magistracies are very much partisans, just as other citizens, in the town.

3871. You think the magistracies are influenced like the people?—They are. They have their feelings, and I suppose they can hardly direct themselves of them more than, perhaps, I can myself, and Catholics have the same.

3872. There is great excitement existing on both sides?—There is.

3873. I dare say both sides have heated tempers?—Just so, in political matters.

3874. Mr. Commissioner KIRKHAM.—You said it was your opinion, and you have large connections with Protestants and Presbyterians, that it would tend to the future peace of this city if these processions were put down?—That is my opinion.

3875. Now, I ask you, does that feeling exist amongst Protestants and Presbyterians who are not members of the Liberal party?—Well, I am not sure, but, I think, some honest, straightforward men of the Conservative party, who, I believe, are as good members of society as could be got anywhere, dislike it.

3876. But what I am anxious to know is, if you can tell us yourself that there are members of the Conservative party who take the same view?—I should hope there are. I have not had an opportunity of talking much with them; but from my opinion of their character, some of them would, I am sure, be desirous to get rid of those party displays.

3877. Displays of every kind?—Just so.

3878. Mr. Commissioner MURPHY.—And we understand that you consider that the getting rid of those party displays is essential to the peace of the city?—Yes, undoubtedly.

3879. And you believe that those gentlemen are also concerned for the peace of the city, and would concur with you in that opinion?—I think so.

3880. No matter what their politics are?—A great number of them. Without getting an expression of opinion from them personally?—I think so.

3881. Mr. Commissioner KIRKHAM.—You have told us that these processions or demonstrations, if permitted, for the future, would tend, in your opinion, to dangerous consequences?—No doubt of it—I think they would.

3882. And very serious consequences?—I fear that.

3883. Then, I suppose, you think it would require a very large force, for the future, if those demonstrations were permitted on such anniversaries, to prevent the parties who are opposed to the parties making the demonstration from interfering with them, and having a conflict?—It would, undoubtedly. I think it would require a very large force indeed to keep the two parties neutral.

3884. That is, in other words, from what you know, from what you have seen of the past, and from what you have heard, you feel that there is a deter-

mination on one side that, if these demonstrations are permitted in for the future, they will be opposed by force?—I fear so, from what I have heard.

3885. And then it would take a tremendous force on the part of the constituted authorities to prevent lamentable consequences?—Just so.

3886. Mr. *M'Laughlin*.—You have been asked by one of the Commissioners whether you have ever been offered the magistracy of the city. I believe one of the branches of your trade is a branch the connexion with which prevents you from being a magistrate?—Yes, being a spirit merchant and also a retailer, I have a wholesale and retail houses.

3887. Mr. Commissioner *Exham*.—But, may I ask you, are there not a number of Roman Catholic merchants in this city, and also merchants, both Protestants and Presbyterians, who are of liberal opinions?—No doubt of it.

3888. And some of your Protestant and Presbyterian neighbours that the Roman Catholics would have as much confidence in as if they were of their own persuasion—none fully entitled to obtain the commission of the peace?—No doubt of it.

3889. Are you aware whether the Lord Lieutenant of the county offered the magistracy to any of these gentlemen? We heard to-day of its being offered to Dr. White; Mr. Road mentioned it was offered to him. Dr. White had it offered to him by the Lord Lieutenant of the county, Mr. Lyle, nearly nine years ago. Are you aware whether the Lord Lieutenant of the county has, or whether the executive for the time being have, offered the magistracy to any of the residents of the city who are opposed in politics and religion to the majority of the members of the magisterial bench?—I am not aware of the fact. I have no doubt that the commission of the peace was offered to one or two persons, but it is only lately that those liberal appointments have been made. It may have been offered to others, but I don't know anything about it.

3890. For instance, I believe the late mayor, Sir Edward Reid, is a magistrate of the city?—Yes.

3891. I believe it is a fact he was appointed to the magistracy since he ceased to be mayor?—Yes; and very properly too.

3892. Mr. *M'Laughlin*.—I believe at the same time Sir Edward Reid was appointed, two other gentlemen, Mr. Adam Hogg and Mr. M'Cartier, were also appointed for the city?—Yes.

3893. You were asked by Mr. Commissioner *Exham*, whether there was not a number of Catholic merchants,

and Presbyterians, and Protestants of liberal politics, qualified for the commission of the peace?—Yes. And, I think, you limited your answer by saying that a great number of Presbyterians and Protestants were very well suited for it, and in whom Catholics would have as much confidence as in men of their own persuasion?—Yes; I think so.

3894. I believe there have been magistrates on the bench, not Catholics, in whom Catholics had as much confidence as they had in their own party—the late Mr. Haslett, for instance?—Yes, no doubt of it.

3895. But I believe there are few Catholics who social position—I mean five relatively—would entitle them to be offered the magistracy?—That is so.

3896. You said a moment ago, as regards yourself, you would be disqualified by reason of your own connexion with a certain branch of the retail trade, the wine and spirit business?—Yes.

3897. Was there any other Catholic member of the Town Council when you were in it?—There are since.

3898. I know there is at present a Catholic member, Mr. Charles O'Neill?—Yes.

3899. He is a merchant very extensively in business?—Yes.

3900. And I believe he has another establishment connected with his wholesale establishment?—Yes.

3901. And I believe he also has a business of the kind that proscribes him?—Yes, he has.

3902. You have said in answer to one of the Commissioners that it is only merely any of these appointments have been made by the Liberal party?—Only recently.

3903. But, even with these appointments, as the bench at present stands, there is an overpowering majority of Conservatives?—Yes.

3904. Coming back to the question of Catholics in connexion with this, I believe the only professional man in town of that religion, in addition to Dr. White, is Dr. Hurkin. Was he offered the commission of the peace?—Yes, I know it from himself.

3905. And he declined it?—He did.

3906. For that identical reason?—Yes.

3907. So you would say that the suggestion that the bench might be equalized by a number of appointments of Catholics is not possible?—No, I think not.

3908. And Catholics would have as much confidence, as a body, in a straightforward honest Protestant or Presbyterian as in a Catholic?—I think so.

3909. Fully as much?—No doubt of it.

Mr. Patrick Maxwell examined by Mr. *M'Laughlin*.

Mr. Patrick Maxwell.

3910. How long have you been resident in Derry?—Upwards of twenty years.

3911. You carry on the tailoring business?—Yes.

3912. And reside where?—In Linnell-street.

3913. Do you remember the night of the 28th of April?—I do.

3914. Were you in the Diamond about the time the men were shot?—I was.

3915. Whereabouts in the Diamond were you standing?—I was standing in the centre of the Diamond, at the back entrance to the Mayor's office.

3916. The front entrance is opposite Ferryquay-street, and the back entrance is at the side of the Hall near Butcher-street?—Directly opposite Butcher-street and Gate.

3917. What time was this?—After ten o'clock.

3918. That was immediately at the time of the firing?—Yes.

3919. Did you see the constabulary at Hagerty's corner?—I did.

3920. Did you see a lot of people of the Beguise party in the lower part of the Diamond, at the corner of Butcher-street?—I saw a great crowd of people; I don't know what party they were composed of.

3921. Did you see those people moving up Bishop-street for a little?—I did.

3922. And suddenly turn and come back again?—Yes.

3923. Did you see, when they passed down by where the police were at Hagerty's corner, where they ran to?—The majority went down Shipquay-street—some went down Butcher-street. They made their escape in every way they could as quick as they could.

3924. Did you see from whom they were escaping?—I did not.

3925. Did you see crowd that came after them?—Yes.

3926. Did that crowd, when it came into the Diamond, pass Hagerty's corner, spread itself out where Stephen used to live and where M'Donnell's place is?—It did.

3927. Did you see that crowd doing anything?—I could not see them doing anything, but I heard shots and saw flashes.

3928. And at that time, I believe, the constabulary fired?—Immediately in reply to the fire from the upper part of the Diamond the constabulary fired.

3929. That is the fire of the crowd that came in from Bishop-street?—Yes.

3930. Was it an extensive fire?—I could not say it was very extensive; it might be ten or twelve shots.

3931. I suppose you do not know much about revolvers; you are not quite up to snuff of that sort;

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you would not be able to know a revolver shot from the shot of an ordinary pistol?—No, it is much the same.

3952. Was it immediately after that you saw a man

fall?—I saw a man fall at Butcher-street.

3953. Was that the tall man on the extreme of the line of constabulary?—Yes, young Mr. Bond he was said to be. I did not go to him, I saw him lying in the street; I saw the police remove him from where he fell.

3954. Was it after that the police fired?—It was after the firing I saw, for the crowd dispersed.

3955. You did not see him fall?—I did not see him falling; but I saw him lying in the street.

3956. Did you see the bodies of Metcalf and Craig?—I did not; I did not go that way at all.

3957. Had you been standing long at the back entrance to the Corporation Hall?—Not ten minutes.

3958. I suppose that is all you know about that part of it?—That is all of that part of it.

3959. You are of the same persuasion as the last witness?—Yes.

3960. About those displays from time to time, I believe the Drury people are kindly people except when these things are going on?—Decidedly so.

3961. Parties of different religious views act kindly towards each other in distress?—Yes, they do.

3962. Would you be in favour of putting down party displays of all kinds, no matter what?—I would be in favour of anything calculated to maintain the peace of the city; and I think nothing else can be the cause of these riots but the display.

3963. You would be in favour of putting them down?—I would.

3964. Whether they come from Protestants or Catholics, Whigs or Tories?—They cannot be sensible in any number in the city but it appears to give offence.

3965. And consequently you would put them all down?—Yes.

3966. Do you think the substitution of the constabulary for the city police would be generally approved of?—Well, I think if the peace of the town was re-

stored by some means or other it would be very easy to keep the town in subjection.

3967. Do you know whether there are much arms amongst the people?—I do not know; I simply hear it reported. I hear it talked about.

3968. Mr. Commissioner ENNIS.—Is it your opinion that the constabulary would be a desirable force?—I have already said, if the peace of the town could be restored by some means, it would be very easy to keep the town in subjection.

3969. Have you considered at all whether the present force ought to be got rid of, and the police arrangements of the town put into the hands of another and larger force?—I never looked at it in that way. I looked more to the restoration of peace than to the constitution of any force.

3970. In your opinion, if these demonstrations take place for the future, are they likely to endanger the public peace?—Well, disturbances are on the increase these last twelve months.

3971. You think them likely to continue if something is not done?—No doubt at all about that.

3972. And you think if these processions are in future indulged in, it would take a very large force from the Government of the day—whatever may be in power—to stop and prevent hostilities between the two parties, and bloodshed?—Well, I do think so.

3973. Mr. Commissioner MAXWELL.—I understood you to say to Mr. McLaughlin, that, independently of those processions, the people are on friendly terms, one with another, of different religions?—I did.

3974. Do you think if those processions and displays, which are clearly of an offensive character, were put a stop to, that the people of different religious demonstrations would mix together more harmoniously?—I think they would.

3975. Have you yourself heard any expression of a determination on the part of the Roman Catholics to put down these displays by force?—I did not.

3976. You did not?—I did not.

Wm. Tille,
cst., &c.

William Tille, esq., J.P., examined by Mr. McLaughlin.

3977. I believe you are a member of the firm of Tille and Henderson?—I am.

3978. You carry on the shirt trade?—Yes.

3979. You are a large exporter?—Yes.

3980. Are you not extensively in business here?—Yes, pretty extensively.

3981. I believe you have branches in London, Glasgow, and Manchester?—Yes, we have places there.

3982. I believe you are a very large employer of labour?—Yes, we employ about one thousand hands in London, and two or three thousand out of doors through the country.

3983. How long have you been residing here?—Upwards of seventeen years.

3984. I believe you are at present in the commission of the peace for the city?—I am.

3985. Is it long since you became a magistrate?—Four or five years.

3986. I believe you are not now a member of the Town Council?—No, I am not.

3987. But you are a member of the Harbour Commissioners?—I am.

3988. And a governor of the District Lunatic Asylum?—I am.

3989. And a member of the Bridge Commissioners?—Yes, I am the representative of the Corporation on the Bridge Board.

3990. Either as being your own opinion, or as collecting what you believe to be public opinion, do you think the substitution of the constabulary for the city police would be a desirable step?—I think it would.

3991. Do you think it would tend to inspire more confidence in the administration of the law?—Yes, I think it would.

3992. I believe, rightly or wrongly, there does exist some feelings of dissatisfaction as regards the city police?—There does, in many quarters.

3993. I forgot to ask you of what religion are you?—I am a Presbyterian.

3994. I suppose you don't approve of public processions through the city?—No, I do not. I would have no objection to them if they could be conducted without causing any disturbance.

3995. But, having regard to recent events, and to the excitement that is prevalent here, political and otherwise, do you consider it a wise thing that these processions should be kept up?—No.

3996. I need scarcely go through the form of asking you whether your disapproval would extend to them, no matter from what sort or party proceeding?—Certainly, I would suppress them all.

3997. No matter whether they were processions with music or banners, or without music or banners?—Yes.

3998. Or ringing of bells or firing of cannon?—Yes.

3999. No matter under what pretence such displays were indulged in, you would apply the same inflexible rule to them?—Certainly.

4000. Would you think, from your experience as a large employer of labour, and a man extensively engaged in business, that such a step would create a more healthy state of public feeling?—Yes, I think it would. I would not disapprove of public displays on suitable occasions to manifest feeling at a great victory or anything of that sort.

4001. Yes—but I am talking of party processions of any sort?—Yes.

4002. You think the discontinuance of party processions would tend to make the humbler classes pull more harmoniously together?—I think it would.

3983. Now, so far as you know the views of the better classes—merchants, men in business, and the like—how far does your opinion prevail amongst them that it would be better to avoid all party displays? Is that opinion confined to one religion, or one party?—I could not speak to the opinion of the Conservative party generally—but I know some gentlemen who are strong Conservatives and who would join with me.

3984. In the view you express?—Yes.

3985. And I believe also a great number of the leading Presbyterian gentlemen?—They may be—I cannot say from my own knowledge.

3986. But I believe there can be no doubt that the great body of the Presbyterian leading men are of your view?—I believe they are.

3987. You are a magistrate, and you occasionally sit on the Bench?—I do—not very often—business transactions do not enable me to sit very often.

3988. I purposely abstain from asking you any questions with respect to the administration of the law?

Mr. Commissioner RICHAM.—I may tell you Mr. McLaughlin that I have reason to believe that some of the other magistrates intend to come forward and tender themselves for examination. My friend and I feel it to be only due to every single one of those gentlemen, who will come forward, to give them the fullest opportunity of saying whether there is any foundation for the impression that is alleged to be abroad respecting them. We cannot shut our eyes to the fact, that the first witness produced undertook to say positively that, in two instances at least, the magistrates decided partially and corruptly. A magistrate may be under a misapprehension as to the law—or he may as a juror, or a judge sometimes does—differ strongly from others—but where a man is charged with acting partially, that involves of course that he acts corruptly. We, therefore, as I say, think it to be our duty to give every magistrate that may come forward the opportunity of saying whether there is any foundation for that charge which we understand to be, in these particular cases, not that there was an impression abroad, but that it was the deliberate opinion of the witness that the majority of the magistrates acted in the manner he stated.

Mr. McLaughlin.—Not a doubt of it.

Mr. Commissioner MURPHY.—He did not use the words himself, but of course the charge involves them: Every decision that is prejudicial, implies more or less partiality. I think the witness, who is a magistrate, and presides occasionally, might be asked whether or not in his opinion, so far as his experience goes, there is confidence felt by the Roman Catholics in the administration of the law, by the city magistrates.

Mr. McLaughlin.—I may just be allowed to say that I feel very strongly the force of Mr. Commissioner RICHAM's observations as to the desirability and justice of the magistrates being allowed to speak for themselves, and I am glad to hear officially that they will.

Mr. Commissioner RICHAM.—We have heard that one or two will come forward, and we will give them the fullest opportunity of stating whether they ever acted otherwise than what they believed to be in accordance with right and justice, in the particular case before them.

Mr. McLaughlin.—Well, as Mr. TILLY is a magistrate, the Commissioners had better, in the first instance, ask any questions they think fit.

3989. Mr. Commissioner MURPHY.—Mr. TILLY, from your observation of the administration of justice in this city, and from what you know of that administration, do you think that it is fairly and impartially administered?—I do. Any time that I have been on the bench I never saw anything but the most anxious desire on the part of all the magistrates to do equal justice between man and man.

3990. Influenced solely by the case and not by the parties?—Of course there are many divisions of opinion amongst us, and perhaps sometimes there is a going to a side that might indicate political leaning, but after

making every allowance, I believe every one of the magistrates is anxious to do what is just and right.

3991. Then you do not think, if there is a conviction abroad to the contrary, that it is well founded?—I do not.

3992. But as far as your experience goes is there that conviction abroad?—I have heard that feeling whispered, I cannot say I met it openly; on account of my position they would not mention it to me.

3993. I suppose it would be very hard for any assent of personal purity to escape censure in a place like this where there is such strong political feeling?—I fancy so.

3994. Mr. Commissioner RICHAM.—As far as your own wishes and feelings on the subject would go, and as far as you know the wishes of your brother magistrates, you would not have the slightest objection to a stipendiary magistrate being here?—Not the slightest.

3995. On the contrary, you would be glad to have the benefit of his assistance?—No doubt of it. I think that no sort of a political or party complexion should be adjudicated on by the local magistrates at all.

3996. Mr. Commissioner MURPHY.—Do you not think where the local magistrates were occupying the bench with the resident magistrate, and a case of a very marked political character arose, the local magistrates, in the exercise of their own discretion, would almost leave the case to him?—I don't think that would be right, unless there was a rule that all sides should leave it.

3997. I mean that?—I think it would be right, provided it was understood that there was to be a rule in all such cases. I myself happened to be a witness to some disturbance, and the opposite party wanted to prevent me sitting on the bench. I did not think that right, but I would have been quite willing to have quitted the bench, and have left all to the stipendiary magistrate if the local magistrates had retired.

3998. Mr. Commissioner RICHAM.—What Mr. Murphy means is this—do you not think if there was a stipendiary here, after a short time, when he was fully in work, the magistrates would probably be anxious to leave to him the trial of these unpleasant cases?—I think they would not be sorry—that they would be pleased to do it.

3999. Mr. McLaughlin.—With respect to one matter you mentioned, arising out of the examination of Mr. Commissioner MURPHY, was that the case where you saw some disturbance, and sitting on one of a very large bench of magistrates, it was sought to compel you and Mr. Bigger, Mr. Foster and Mr. O'Neill, to leave the bench?—It was.

4000. Was that at the hearing of the case against the parties accused of connexion with the attack on the Corporation Hall?—It was.

4001. Even with Mr. TILLY, Mr. Higgins, Mr. Foster, and Mr. O'Neill on the bench, was there not still an overwhelming majority of persons, rightly or wrongly, supposed to be of Conservative politics on the bench?—There was; I don't say an overwhelming majority, but there was a majority.

4002. Was that suggestion pressed somewhat earnestly?—It was.

4003. And repeated on a second day?—It was.

4004. Suppose that suggestion or pressing application had been accorded to, would there have been a single Liberal magistrate left on the bench, except Sir Edward Reed and Mr. Haslett?—I think not.

4005. Then except Sir Edward Reed, who was not a magistrate, save as Mayor, then there would be no Liberal magistrates but Mr. Haslett?—Yes, that would be the effect of it.

4006. Now do you remember the counsel who appeared there, in the course of the argument, strongly pressing on the magistrates that the adoption of Mr. Crawford's suggestion would reduce the bench to the condition of a sub-committee of Lord Claude John Hamilton's general committee?—Yes.

Exam. Day.
August 24.
Wm. Tilly,
sq., J.P.

SIXTH DAY.
Witness 24.
Wm. Tully,
Q. 3, A. 8.

4007. And notwithstanding that, was not the application repeated the same day?—Yes.

Mr. Commissioner MURPHY.—That came from the advocate.

4008. Mr. Commissioner ERIKSEN.—To get a more favourable informal. (To witness).—How many magistrates sat on that occasion?—About ten or twelve.

4009. If there were twelve, according to what Mr. McLaughlin said, would they not be six to six?—No, seven to five.

4010. Mr. McLaughlin.—There were thirteen magistrates there altogether. (To witness).—On ordinary occasions how many magistrates preside at petty sessions?—Six or seven, sometimes five, sometimes three—they vary very much.

4011. What is your experience as to the despatch of business, is it more expeditiously or more effectually done, or the reverse, in proportion to the number?—I do not think it makes much difference; there are not many cases come up in which there is a difference of opinion.

4012. Is thirteen an unusually large number?—Oh, it is. It is an unusually large number. It is double the number that usually is there. There was great excitement in town at the time.

4013. Mr. Commissioner ERIKSEN.—Of course gentlemen attended that day who do not ordinarily attend?—Oh yes, a great many.

4014. Mr. McLaughlin.—You have interested to

me your opinion that the magistrates, although they may take opposite sides, to the best of their ability wish to do everything correctly and properly. From something that occurred in the course of this inquiry, I wish to ask you does your observation indicate a gentlemen now no more, the late Mayor, Dr. Belington?—Certainly it does.

4015. In justice to his memory, I wished to have that answer from you, his brother magistrate?—Yes.

4016. I suppose you have not thought at all of the number of the police force that would be needed in the city?—Not at all.

4017. But you, as one of the largest tax-payers in the city, would cheerfully contribute your quota of whatever increased taxation would be necessary, for the sake of preserving the public peace?—Oh, I suppose so. I think if you have the constabulary you will not have much trouble, and I believe a smaller number of constabulary would be quite as efficient as the present number of the city police.

4018. Mr. Commissioner ERIKSEN.—We have had the views of some gentlemen, that the force should be largely increased?—I don't think that at all necessary if these party displays can be suppressed.

4019. You do not think such a large increase would be necessary if the causes of disturbance were removed?—Yes.

Mr. Patrick
 McManagie

Mr. Patrick McManagie examined by Mr. McLaughlin.

4020. I believe you live at the corner of Butcher-street, inside the wall, at Butcher's-gate?—I do.

4021. You carry on a pretty large business?—Not answered.

4022. One part of your house looks into Butcher-street, and the other into Magistrate-street?—Yes.

4023. I believe on the night of the 28th of April, the night the men were killed, your house was attacked?—The first attack was on the right of Down's lecture in the Corporation Hall.

4024. Some of your windows were smashed that night?—Most of all the front was smashed.

4025. I believe that night of the 20th of July, 1868, was the first night there was any window-breaking inside the walls?—Yes.

4026. Are you aware that Michael Doherty's windows and the windows of the Standard office were broken?—I don't know of any windows but my own. I had to keep to my own place.

4027. But nothing happened on the night of the attack on the Hall beyond the smashing of the front part of the house?—A little affair happened with myself. I had to remove my children out of their bedrooms, which was in the part of Butcher-street. They were asleep. And when the stones began to come in they awakened, and of course they got nervous fit, and I had to take and put them out of the house altogether. That was the first night. The second night I will answer as to now.

4028. I believe you voted for Mr. Down?—I did.

4029. The night the men were killed tell the circumstances what happened?—On the night the men were killed, that was the night Prince Arthur was here, I went up as far as the Diamond; and when I saw a mob of two parties like, I thought it was better for me to make my retreat back into my own house. It was not far from my own house, the corner of the Diamond. I got back and put up my shutters. I heard shots fired. I had to put my wife and children out through a passage into a neighbour's house next door, she fell in going, and lay for a month afterwards. I came down to the shop again, and the people were coming in from the fire. There were shots fired from Butcher's-gate. I saw Constable McDonnell. He fired wide outside of the gate. I asked him what that was for. He said of course they could not get through the gate, one side or the other. The constabulary,

that were beat back by stones from the top of the gate. No man could hardly stand at the side of the gate from the stones. The parties had picked up the stones that were where the water runs, and they beat the constabulary back, and the constables had no change of the place at all. I spoke to Sergeant Wilson, one of the city police. I told him he had better take the top of the gate, for they were beginning to break and smash everything, and it would be a bad job. I think Sergeant Wilson and three or four of the city police did go to the top of the gate, and from the time they went on the top of the gate the parties would not budge a peg—they would not go a foot further.

4030. What party was this?—I could not tell you. I was at my own door. The party at the top of the gate, I would not say they were the Apprentice Boys or anything else, but if I was going to say anything, I would say they were the Apprentice Boys.

4031. Were they calling out anything?—“To hell with the Pope.” Then one of the constabulary, Mr. Reddy, who was examined here, went up on the top of the gate.

4032. Did any of the stones that were thrown come in the direction of your house?—They did, they smashed the front of the house that night also.

4033. About what time was this?—About half past eight o'clock.

4034. How long did the stone-throwing continue from the top of the gate?—Backwards and forwards that night it continued nearly an hour.

4035. About what time did it end?—It was half-past ten o'clock before things were cleared away.

4036. I suppose the stones sometimes came thickly, then lightly, and then thickly again?—They did.

4037. Did you see any one on the top of the gate?—You need not mention names—endeavouring to get those people to leave the gate?—I did.

4038. Was it a constabulary man?—It was.

4039. I believe the constabulary, besides being peppered with stones from the gate, were also pelted by the people in the street?—They were. They should be more than most men to stand it. If I was a constabulary man I would not stand it.

4040. You say a good number of stones were flying—did you see any heap of stones there?—There had been a heap of stones across the street, and they were

all used, and the next morning Dr. Ball and, I think, Captain Stafford, and a few of the parties came down, and the street then was actually in a condition I cannot describe it. It was all covered over with stones for a great distance.

4041. Did you go to the top of the gate the next day?—I did.

4042. Did you see the condition of the Hille drain or channel made of stones for the passing of the water running down?—I saw it.

4043. Was it in the usual condition?—It was removed. It was all torn up.

4044. Do you know the large cying stone at the top of the gate on one side—it has an analogous position to the wall on which it rests to the dispatch box in front of the bench?—There is a coping stone between the railings and the building work.

4045. And that stone might be thirty or thirty-five pounds, or even half a hundred weight?—I do not know exactly the weight, but it was loosened on the top of the gate, and I called out from my own door—my door is underneath the gate—“Don’t throw that over.”

4046. If it went over what would happen to anyone it fell on?—Wherever it fell on would be sure to be killed. I called out to them not to do it, and I called on Sergeant Wilson to go up and prevent them.

4047. What time was this?—Between half-past eight and nine that night.

4048. You saw some people with their hands near it?—I saw two or three parties near it.

4049. Did Wilson go up?—He did go up, if I am not mistaken.

4050. I believe your shop was crowded with people adding protection?—The people rushed into my shop, and I could not tell them out in the face of such stone-throwing. My family were all out—there were only myself and Minkie—and we kept the people in, and would not allow them to go out, during the stone-throwing. When things got a little calmer, I put them out of the door in Magazine-street.

4051. During the time you kept them in, Butcher’s street, about the gate, was in such a condition by reason of the stone-throwing, that it was not safe for anyone to go up or down?—Indeed, it was not. The whole street was crowded, and down the turn into Magazine-street, and towards Morningside-row all was crowded.

4052. Was the gateway crowded?—It was. It was so crowded under the gateway that you could not pass through on any way or the other.

4053. What way was the Coverg outside the wall?—I did not go through that. I had enough to do to watch my own house. I could not go down.

4054. You were not up in the Diamond that night?—I was not. I went up as far as the corner, but when I saw the crowd, and the appearance of the place, I retreated back and got up my window-shutters for fear of my own front window being knocked in.

4055. Are you of opinion that all party displays should be put on end to, so that you may be able to keep your shop open quietly in future?—In my opinion all such things should be done away with. I am a man that pays 237 a-year rent, and I have to feed a family, and I say these things are doing a great deal of harm on all sides.

4056. You would apply your prohibition to all party displays, no matter from what party or sect they might come?—I don’t care whether they are Roman Catholic, or Protestant, or Presbyterian, I say they ought all to be put down, no matter what they are, because they make disturbances against people who have to strive to live by their industry.

4057. Have you seen any display in Derry since the men were killed?—I saw a display on the 13th of August.

4058. Would you put down that for the reason you have already given?—For the reason I have already given. I do not know why they should bring people from a distance to annoy the citizens of Derry, who have to pay rent and taxes and everything else.

4059. Now, I believe you know the town tolerably well, and you have been accustomed to travel a good deal as a flux buyer?—Yes; I have been travelling for the last twenty-five or twenty-six years, and I was reared inside the wall.

4060. I believe there is a very strong feeling about these displays amongst one class of the community?—A very strong feeling about them; one neighbour can hardly look at another, before the displays and after them.

4061. Although as casual as may be during the rest of the year?—Oh, as to that—I know very well about the sort of people we have here—one look at them, during and after the displays, will show what is in their hearts. We have seen what people can do with other people when they have them in their power.

4062. Do you think there exists amongst the opposite party, that is the Catholic side, anything like a resolution to put down these displays by force?—Yes; I do.

4063. Do you know anything of some society that has been organizing called “The Working Men’s Defence Association”?—I do.

4064. About how many are in it, can you say?—About 500.

4065. That has been mentioned in the papers about a week ago?—Yes.

4066. Do you know whether there are more arms in Derry than there were a year ago?—As to that I could not say; I am not much acquainted with the arms department, but I believe there are a great number of people now have arms that never had them before. That is my belief.

4067. Mr. Commissioner MURPHY.—And do you think they would be just as well off without them?—I think they would be just as well without them; I think a great many people that have them don’t know how to use them.

4068. Mr. McLaughlin.—That is the reason?—That is the reason.

4069. Mr. Commissioner EXHAM.—That night you saw constable Wilson and three or four of the city police?—Yes.

4070. Were they trying to prevent those parties fighting?—They were, and during them too.

4071. And did they go up when asked upon the wall like men to do their duty?—I believe they did; I told Wilson to go upon the gate as a good deal of damage had been done, and he did.

4072. Mr. Commissioner MURPHY.—And was exposed to peril?—Yes; they were throwing stones at the top of the gate, as I told you.

4073. Mr. Commissioner EXHAM.—They pelted the constabulary, and, I suppose, they pelted the police, and pelted him as well as the rest?—The two sides were pelting at one another at the time. The party under the gate were throwing stones just the same as those at the top of the gate.

4074. You think the best way to stop this work for the future would be to stop these processions of every kind?—That is my opinion.

4075. Is it your opinion that it would require a very large force to prevent the two parties from coming into contact if they are permitted to?—Well, I think it would require a large force, if they got liberty to carry them on.

4076. Do you think it desirable to have any change made in the police force?—Well, I think it has come to that now, that it is to the constabulary the peace of the town should be entrusted. They would be more effective in preserving order and peace. They are armed and drilled, and parties are more afraid of the constabulary. I live at a very conspicuous gate, and I know if a person is taken up by the local force it requires a great many more of them to make him a prisoner than it would of the constabulary.

4077. In point of fact they don’t appear to be as much afraid of them as of the constabulary?—They do not.

4078. Does that apply to both parties?—Both Catholics and Protestants.

State Doc.
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August 26.
—
Mr. Patrick
McManis.

2088. Dat.
August 26.
Mr. Patrick
McDonnell.

4079. The city police have not in fact the training and organisation to enable them to be effective amongst both parties?—Indeed they have not.

4080. But the constabulary are properly armed and drilled?—They are.

4081. So far as the other duties of the city police, night watching, patrolling the streets, keeping order in the markets, and preventing robberies?—Oh, they get on uncommonly well.

4082. Uncommonly well?—They do. I can say myself that for nearly twenty years they ran me up in the morning to attend market.

4083. They are always on patrol doing duty?—No

doubt of it; they are on duty any time I ever saw them at any place.

4084. And as far as you know they are a respectable force?—I do not know anything else about them.

4085. Mr. McLaughlin.—Do you live at the head of Bogside?—I do not live at Bogside. I live inside the Butcher's-gate.

4086. Whenever you pass through Butcher's-gate and turn to the left where are you then?—I am in Bog-side.

4087. Mr. Commissioner MURPHY.—You are situated near the critical point of junction between the two parties?—I think there has hardly been a row in Derry that some part of it is not at my door.

Constable
Patrick
Duffy.

Constable Patrick Duffy, &c, examined by Mr. Commissioner EXHAM.

4088. Were you at Muff Glen on the 13th of July?—I had to accompany the military out there. There was a detachment of military horse on Sunday night, and on Monday morning they had to go out.

4089. Mr. Commissioner MURPHY.—Did you see the crowd going out in the morning?—At the time the military arrived there, when within two miles of the place, we could see what you might term scouts, or men on the look out.

4090. Mr. Commissioner EXHAM.—On Sunday night?—On Monday morning. We saw them leave on Monday morning early, in bodies of five or six, and in twos and threes, looking out in a way that no one could cross the road unknown to them.

4091. At the Derry side of the bridge?—At the Derry side of the bridge, looking out for the enemy. When the military went there they were halted, and I met this ammunition [produces a packet of ball and charges] and showed it to Mr. Hewitt.

4092. Where did you get it?—At O'Connell's. I was informed afterwards that 500 men left Derry that morning and went in a body to the Glen. This is the ammunition I found. [The packet was handed up to the Commissioners.]

4093. Whereabouts did you find it?—In the centre of the road. I reported the matter to Sub-Inspector Hewitt and to Mr. O'Donnell.

4094. Is that rifle ammunition?—It is rifle ammunition. It has a London mark. There are nine rounds here; there were ten.

4095. What is the amount of powder?—The amount of powder is two and a half drachms, and there is then the bullet, a rifle bullet for a musket loader.

4096. Mr. Commissioner EXHAM.—They are Eley's cartridges, London?—Yes; there were 500 men in the field that day.

4097. Did you see the force in the field?—Oh, yes.

4098. Mr. Commissioner MURPHY.—Could you see the 800?—Decidedly.

4099. Were the whole 800 armed?—They were indeed; every man had arms in his hands, and they had cartridges thrown out in every direction.

4100. Did you see the Orange party that day?—They did not appear that day.

4101. They did not appear that day?—Not the last Twelfth; but the day before that they did.

4102. Mr. McLaughlin.—You say there were sentries. Did the sentries march from one another, look into each other's faces, and then return?—Yes.

4103. And they had scouts?—They had scouts.

4104. I suppose you have seen some service yourself?—I have. I was out in '68 and '69 in Dublin, amongst the Fenians. There I saw some service.

4105. I suppose you believe the position at Muff Glen was taken up with some pretence to military skill?—Indeed I do.

4106. Were you present in court when the officer gave evidence that there were natural breastworks there?—Yes.

4107. And that the entrenched force had assailed

themselves of the natural strength of their position?—There was no necessity for that, for they were well armed on the field as a regular body, and there were three or four hundred smaller boys not armed, but they had sticks.

4108. These were the camp followers, I suppose?—Not answered.

Mr. Commissioner EXHAM.—Perhaps they were the constabulary.

4109. Mr. McLaughlin.—Were there any bread carts there?—I think they had a fair supply.

4110. Mr. Commissioner EXHAM.—Had they any cannon with them?—I did not see cannon. I heard they had cannon with them. I said to the stipendiary magistrate I would go see, but it was not thought safe to let me, and I did not go.

4111. But you had information that they had cannon?—Yes, that cannon were there.

4112. Mr. McLaughlin.—You have been a good while at Waterside?—I have been two years.

4113. Were you stationed at the same place as Mr. Samuel McLaughlin?—Yes.

4114. Do you know that locality well?—I know it very well now.

4115. Does your jurisdiction ordinarily extend as far as Tannakerin Bridge?—No.

4116. Suppose you were on ordinary patrol duty about your district would you now go as far as Tannakerin Bridge?—Not so far.

4117. You cannot, I suppose, tell the political opinions or religious views of persons by looking at them?—No.

4118. You did not know what party those people you saw belonged to?—But there was information got that morning that 500 men had left Derry.

4119. What party were they?—The Bogside party.

4120. How far are you from a place called Droghade?—About a mile and a quarter.

4121. Do you know where rifles ever seen amongst the people of Droghade?—Yes; there are some rifles out there, I believe.

4122. Some rifles and rifle ammunition?—Oh, I don't know for that.

4123. Do you think the rifles are there without ammunition?—No.

4124. Are these people of the Bogside persuasion?—No.

4125. Not in the slightest?—No.

4126. Is not that the most Orange district in this neighbourhood?—Well, I believe it is.

4127. Well, now, I believe that district is equally as bad as Tannakerin?—[Not answered.]

4128. Is it not about as warm a country as from this to Purgatory?—Well, Purgatory is the highway to pass through going out to them. It is beyond Tannakerin; you go down straight from Droghade and Tannakerin is right to the left.

4129. You go down to Purgatory from Droghade?—Yes.

4130. Mr. Commissioner MURPHY.—How do you get out of it?—At the other side.

4131. Mr. McLaughlin.—[To Witness].—I believe, looking apart, there is no doubt it is a very Orange district along there?—Yes.

4132. And I believe the peculiarity of Tammaherin Bridge is that it marks the boundary of a particular district, where the Catholics gather together?—The place goes under the name of the Glen.

4133. I believe there is no objection on the part of the Tammaherins to allow the Orangemen to go anywhere they like, provided they don't come into the Glen?—Not as far as I have seen.

4134. Did you see the Orange party on the road about to contest the passage?—None of them were on the road on the last 12th.

4135. But on the previous 12th?—On the previous 12th I had to go for the military.

4136. Do you think there are much arms in the Beg-side at present?—I think, from what I hear, that they are all armed at each side.

4137. Were the 600 that went out that day armed?—They were, so I heard. I am sure of it, although

they did not carry arms that day. They left them at different houses—they put up some at one house and some at another.

4138. Mr. Commissioner EHRAM.—Those seven or eight hundred persons you spoke of, had they any rifles such as this ammunition would suit?—Oh yes, there was a lot of rifles there.

4139. Did they appear to have cartridge pouches?—No; they did not.

4140. Mr. Commissioner MURPHY.—Is that a district that is at present proclaimed?—No, but it is in a bad state.

4141. Mr. McLaughlin.—There is no part of Drogheda proclaimed?—No.

4142. It is only due to you to state that you did your work most effectively and properly on the occasion?—That the country should be left in that state is very bad. If you saw it, as I did, you would consider it in a state of rebellion entirely.

[The Court then adjourned till the following morning].

SEVEN DAY.
August 24
Commissioner
Patrick
Duffy

SEVENTH DAY.

WEDNESDAY, AUGUST 25, 1869.

The Commissioners sat at eleven o'clock.

County Inspector Phosker, S.I.C., recalled and re-examined.

SEVENTH DAY.
August 25
County
Inspector
Phosker

4143. Mr. Commissioner EHRAM.—In case of any sudden outbreak or sudden disturbance in the city of Londonderry itself or the immediate neighbourhood, what auxiliary force could you call in on an emergency, at a moment's notice; what force have you under your command to call in from out-stations?—Well, Waterside Station is the only station immediately near.

4144. But, independently of Waterside, the county men, for instance, and the men from the adjoining county?—Well, I could send out to Clancy, which is eight miles beyond this, and to Eglington, which is six or seven. Those are the nearest stations.

4145. And about what force could you get in from those?—About eight men. There are stations further than those, but it would take a long time to get in men from there.

4146. But you could telegraph. Now, in the course of a day, for instance, what is the amount of the force you could get in here—in the course of twenty-four hours, with the assistance of telegraph, railways, and so on?—I think I could get in about forty or fifty men.

4147. And that is the maximum of force that you could get in on an emergency?—I think so.

4148. Then, I presume, when you speak of those forty or fifty men, you mean men under your own command in the county of Derry?—Yes.

4149. Where you are County Inspector?—Yes.

4150. Could you yourself get in the men of the county of Donegal or county of Tyrone?—By applying to the County Inspectors I could.

4151. By applying to the County Inspectors of those counties?—They would send them, but I would not call them immediately.

4152. They are adjoining in one sense?—Yes.

4153. Now, what force can you call me, or about what force could you get in on an emergency by applying to them?—Oh, I could get in a very large force. There are over 600 men in Donegal, but some of them very far away.

4154. Mr. Commissioner EHRAM.—Then, you would be able on an emergency to get in a large force from the county of Donegal by applying to the County Inspectors?—Oh, yes.

4155. And, I suppose, also you would be able to get help from the county of Tyrone?—Of course.

4156. And large help?—Yes.

4157. Mr. Commissioner MURPHY.—That hardly applies to what we call an emergency—a sudden and unexpected call?—Exactly.

4158. You could not in that case?—No.

4159. I suppose the only force so available would be those you could order yourself, from the immediate outposts?—Yes.

4160. Mr. McLaughlin.—I suppose you would not call the occurrence of the 12th of August or 18th of December an unforeseen contingency?—No.

4161. You would not know it was coming?—Oh, we would. I generally send to the Inspector-General on those matters, and he very often sends down men direct from the depot, part of the reserve.

4162. I suppose at that time it is equally desirable that your own men should not be taken from their own districts?—In this county we cannot take them at all.

4163. Mr. Commissioner EHRAM.—That evidence is very important, because it is easy to provide against foreseen occasions, but no one knows when something may occur, and then it would be very hard to saddle on the community, and make them pay for it, a very large force like that. For any unforeseen thing that might spring up any of these days you would be able to get in about fifty immediately yourself?—Yes.

4164. And from the County Inspectors of the adjoining counties you could get more?—Yes, but they would take some time in coming.

4165. I mean within twenty-four hours?—Yes.

4166. Mr. Commissioner MURPHY.—Having regard now to the situation of the county—without, of course, our inquiring into it exactly, you are able to form general views as to its situation and to the aid you might get from Donegal or Tyrone, or from your own county—having regard to it and to its peculiar situation, and the present state of the city and the adjoining neighbourhood, are you of opinion still that a force of 160 men would be required at present for Londonderry and the neighbourhood?—I do not think there could be less if they have to perform night duties and keep up night patrols, and have them properly relieved and all that kind of thing. I think it could not possibly do with less.

4167. Mr. Commissioner EHRAM.—Do the city and the district outside, say for a certain circuit outside the

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SEVENTH DAY.
—
August 22.
—
County
Inspector
Plummer

parliamentary and municipal boundary of Londonderry itself, for instance, the Muff Glen and any portion of the county Donegal affect your calculation in making that estimate?—The Muff Glen, except upon the anniversary of the 12th of July, is as quiet as any other place.

4168. Mr. *McLaughlin*.—Suppose you had a sufficient force here in Derry, there would be no difficulty in preventing those displays on the 12th of August or 16th of December?—It all depends on what is considered a sufficient force.

4169. I would take your opinion on that. You would have no physical difficulty if you had a sufficient force?—If I had a sufficient force the difficulty could be overcome, but I think it would be a very arduous undertaking to stop them.

4170. Do you happen to know that there are large forces of police brought in here every anniversary?—Yes there are.

4171. Do you know whether it is any part of their duty to protect the processions on those days?—It is their duty to prevent rioting, or to prevent a collision between any parties, and if the processions were attacked it would be their duty to prevent any one attacking them.

4172. That, in the result, would seem to me very like producing the effect of protecting the processions?—Of course, they are all protected.

4173. Mr. Commissioner ENHAM.—That is, of course, the duty of all Governments—to protect and to see the law carried out, when people are not acting illegally?—We should be of no use if we did not do that.

4174. Mr. *McLaughlin*.—With reference to the question of Mr. Commissioner ENHAM, do you think the people engaged in a procession like that were carrying out the law?

4175. Mr. Commissioner ENHAM.—That is a question Mr. Plummer ought not to be asked to answer. The Government of the day have the power to give certain directions to those in authority under them, and Mr. Plummer and those sent out from Dublin either obey those orders or not; if they obey them well and good, and if they do not obey them they are dealt with for that?—Right.—We generally act under the orders of the magistrates, and I think if we were to go on without a magistrate's order and prevent any procession we should cause a greater row than by letting the procession go on.

4176. Mr. *McLaughlin*.—I think you said that you generally act under the direction of a magistrate?—Yes.

4177. And when you say magistrates I presume you mean a local magistrate?—Magistrates I say; there is generally a resident magistrate sent down on those occasions.

4178. Not always?—I think there has been so far as I recollect.

4179. Would you be surprised to hear that it has been the rare and curious exception when a stipendiary magistrate has been sent down on those occasions?—No, I recollect Mr. Fitzmaurice here, since I came here, constantly. He was a resident magistrate.

4180. He was a resident magistrate in ordinary parlance, residing in Derry, but he did not live here?—He was a magistrate for Derry and Donegal.

4181. Now is not the history of Mr. Fitzmaurice's connection with the city this, that he was originally resident in the city of Derry?—I cannot tell you.

4182. For a short time?—I cannot tell you.

4183. Did you ever hear that he was?—No, I do not know whether he was or was not.

4184. And then he resided at a distance just outside the borough boundary?—I do not know that.

4185. You do not know of your own knowledge that it was a rare and curious exception, as I before phrased it, when any stipendiary was here at all on those occasions?—Well, I have not been very long

here. I have generally seen stipendiary magistrates. There is Captain Peel, and—

4186. You have been only here for a very short time?—About a period of three years.

4187. And that a period of special excitement here—the last two-thirds of it?—Yes.

4188. Now I will ask a question if you please with reference to a matter very elaborately inquired into here, that is to say, what took place on the 12th of August last year. Now suppose for a moment there had been a large and effective police force, would not the officer in command of that police force have acted under the directions sent by the authority of the local magistrates on that day, supposing there was no stipendiary here?—Certainly, and on the occasion of the visit here, and on all occasions, the magistrates have all met and considered what force would be prudent to bring in, and I saw them always unanimous.

4189. Always unanimous?—Always.

4190. As to what force would be prudent to bring in?—And the disposition of them.

4191. I thought the disposition of them was a thing left to the military genius of the officer?—Oh, no.

4192. Now you have mentioned that you have always observed on those occasions that the magistrates were unanimous?—Always.

4193. Is it your opinion, as a matter of experience, that if part of the proposals to be decided on at the meeting was to put down the affair they would be unanimous?—To preserve the peace, I think.

4194. But if the proposal was to prevent the celebration, do you think they would be unanimous?—I cannot—I never heard it discussed. I never heard the matter discussed. When anything did occur I heard the local magistrates most anxious to give every assistance.

4195. Then the only question would be in what direction the assistance should be given?—To preserve the peace.

4196. But is not this the fact—I may take it as generally proved by your evidence—that the police would do nothing except what they were directed to do by the magistrates?—The police would obey the orders of their officer, but their officer I think would not take it on himself to—

4197. To disobey the magistrate. But in point of fact supposing there was no stipendiary here, the police would obey the local magistrates—the local magistrates would direct the action of the police?—Certainly, the mayor, or other magistrates.

4198. Then supposing there was a stipendiary or two stipendiaries here, and a large number of local magistrates, would there be a conflict of jurisdiction in that case?—Oh, I cannot tell you—I never heard of it.

4199. Can you have any doubt that if there was a meeting of magistrates under such circumstances the majority would carry the day?—I think the majority would carry the day. That is a question I should hardly think capable of dispute.

4200. If the majority then were in favour of acting as the majority have acted heretofore, in allowing the procession to go on, then the presence of the stipendiary could not stop that?—I suppose not.

4201. Nor would the presence of the most amazing force ever seen in the constabulary depot in the Phoenix Park prevent it?—Well, I don't know that either, because if the Government sent down magistrates the police would act under these magistrates.

Mr. Commissioner ENHAM.—What right have the magistrates to stop those processions?

Mr. *McLaughlin*.—By the enforcement of the law. Let any other party try it and you will see them stopped.

Mr. Commissioner ENHAM.—They have to prevent riots going on. If it is the law of the land that those processions, under certain circumstances, may occur, what can the magistrates do but, as Mr. Plummer says, meet and deliberate with him as the County Inspector, or the stipendiary magistrates here, to take

the best precautions they can with regard to calling in an additional force, and posting that force to prevent the law being broken. It is another thing whether those things are to go on, or Government to interfere, by Act of Parliament or otherwise.

4203. Mr. *McLaughlin*—I don't think it is necessary to interfere by Act of Parliament, when this gentleman has stated that heretofore the constabulary have prevented anyone from interfering with the processants; and it has been shown that by direction of the magistrates, on the 9th of February, while the constabulary allowed one portion of the people to have a procession inside the gates, they successfully kept another portion of the people from coming in—*Witness*—I witness—I do not think they did successfully.

4204. Mr. Commissioner *MURPHY*.—We must consider it in its other bearings, as to what the magistrates considered they had authority to do, and what they were at liberty to do, and what were the most prudent steps to take. If you are able to bring before us some where persons came forward and made informations with respect to an intended procession it might be important. Even then, with the force they had available, it would be another question to consider whether it would not be better to let the thing go on—*Witness*—The magistrates gave every assistance.

4205. Mr. Commissioner *ERHAN*.—Is it or is it not the fact that, during the time you have been here, prior to those anniversaries, there have been meetings of the magistrates with regard to taking precautions for the protection of the public peace?—*It is*.

4206. Have you been present at those meetings?—*Always I may say.*

4207. In conference with these magistrates?—*Yes, and gave such suggestions as I thought fit, which they generally adopted.*

the available force at your command and the command of the magistrates would admit, with regard to protecting the public peace, during the time you have been there?—*Decidedly.*

4208. And that action was not confined to a particular magistrate, but you speak of the magistrates generally?—*Oh, not at all; they were all unanimous.*

4209. Have you seen anything done by the magistrates with regard to the disposing of the police, and with regard to giving protection to one set of processants and not to another—for the purpose of giving protection to one set of processants and not to another?—*No, I never did.* Sir Edward *Reid*, who was mayor for two years, was most anxious, and poor Dr. *Edlington*, and others, to give us every assistance to preserve the peace.

4210. I think it right to ask you if they consulted with you as the County Inspector with regard to the available force, gave you directions, acted on your advice and called in auxiliary aid, and availed themselves of that auxiliary aid as you recommended?—*The plan was, they generally sent me either a printed or written circular, saying that there would be a meeting of the magistrates to consider what steps should be taken for the preservation of the peace, and requesting my attendance; and I always attended, unless prevented by ill health, or something of that kind, and I never saw any side taken by one more than another on those occasions.*

4211. And you swore the other day that those processants were dangerous?—*I did not swear anything; I stated it; and my word was quite as good as if I had sworn it.*

Mr. Commissioner *MURPHY*.—Surely the fact of those meetings being considered necessary prior to their taking place is itself an indication that the magistrate thought so.

Sir Edward *Reid*, J.P. examined

Sir Edward
Reid, J.P.

4212. Mr. Commissioner *ERHAN*.—You have been a magistrate of this city for some time?—*I was requested by the Corporation to appear here to day, to gather with the Mayor, to give you any information that you thought proper to ask. The Mayor, I am informed, is unwell, and I have attended here to give you any information so far as I am myself aware.*

4213. Now, you have been Mayor of this city?—*I was Mayor of this city for two years, 1867 and 1868.*

4214. And I believe since you ceased to be Mayor you have the Commission of the Peace?—*I was not a magistrate for about three months subsequently. I obtained the Commission about three months after I had ceased to be Mayor. I am now a magistrate for the city.*

4215. During the time that you have been Mayor of this city, and therefore acting as a magistrate, have you seen the magistrates of the city use their best endeavours for the protection of the public peace?—*They have always done the best they could. I may say that there was the greatest unanimity among the magistrates during the time I held the office of Mayor, it was very seldom, indeed, that we had any difference of opinion.*

4216. And was that unanimity of the magistrates with regard to taking precautions for the public peace?—*Well, with regard to taking precautions for the public peace, the town, during the time that I was Mayor, was generally quiet, and we did not deem it necessary to take any particular precautions for the preservation of the public peace, except on certain anniversaries, such as the 13th of August, the 18th of December, the 12th of July, or other such occasions. On occasions such as those I generally summoned a meeting of the magistrates, to ask them what steps should be taken for the preservation of the peace.*

4217. And as we have heard from Mr. *Plummer* you used to invite his co-operation, and assistance, and

presence at the County Inspector?—*Always; the County Inspector and the Sub-Inspector were always present during the deliberations of the magistrates; they always were summoned to attend.*

4218. That occurred during the two years that you were Mayor, in anticipation of those anniversaries?—*I think as far as I can recollect, at first when I was Mayor, it was not the practice—at least I cannot speak of what the magistrates did, because I was not a magistrate before I became Mayor, so that I cannot speak of what the practice of the magistrates had been; but I was not aware that it was necessary to summon a meeting of the magistrates on those occasions. Mr. *Plummer*, who was the resident magistrate of the district, a gentleman for whom I have a very high respect, and a most efficient magistrate as I consider, volunteered that if at any time he could be of any use to me he would be most happy to attend at Petty Sessions if I would write to him. He said that he did not see any necessity for coming here except I did write to him; and it was only, I believe, on such occasions when there was a riot, or something of that kind apprehended, or where an occurrence might take place that might lead to a breach of the peace, that I wrote to him. I think I had only to write to him three or four times during the time I was Mayor.*

4219. At those meetings preparatory to, or in anticipation of, those anniversaries, had you the benefit of Mr. *Plummer's* assistance?—*Mr. *Plummer* was sometimes not present at the meeting of magistrates; but he attended in his official capacity at the anniversaries to give any assistance in preserving the public peace.*

4220. When you state that the magistrates discussed and took the best precautions, am I to understand that that was done irrespective of party?—*Clearly.*

4221. Or without any favouritism to one side or the

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other?—Clearly so; I never know of them favouring one side more than the other, as far as I was concerned, or knew of it.

4232. And was the question of preserving the public peace, and of calling in an additional force, and of posting that force honestly and *bona fide*, discussed by the magistrates as far as you saw?—Every gentleman who was there had an opportunity of speaking his mind on the subject, and my suggestion that was made was always attended to.

4233. Then may I take the liberty of asking you whether the arrangements that were made, and the precautions that were taken, in anticipation of these anniversaries, from time to time, met with your approval as chief magistrate?—Certainly, I approved of them, and, as far as I am concerned, I presided over the largest meeting of magistrates that I believe was ever held in the city of Derry—I think there were seventeen or eighteen borough magistrates there—and they were unanimous in intrusting to me, as chief magistrate, the authority for the day, with the assistance of the stipendiary magistrate.

4234. What anniversary do you allude to?—I cannot say whether it was the 12th of August. No; it was before the election; I think that was the meeting.

4235. That is, they intrusted all the arrangements with regard to the preservation of the peace to you?—With regard to the preservation of the peace.

4236. To you and to the stipendiary magistrate?—Yes.

4237. Mr. Commissioner MURPHY.—How long have you been residing in the city?—I have been residing in the city for a great many years—upwards of thirty years.

4238. Mr. Commissioner EMMET.—And know the people, and I suppose are pretty well known by them?—Yes.

4239. Probably of all shades of politics and religion?—Yes; and I may state that I have received congratulations from our side just as much as from the other during the time I hold office. I never knew any distinction so far as I was concerned myself.

4240. In consequence of something that has taken place here, we think it our duty to ask you some questions about the conduct of the magistrates, when sitting as magistrates. Is there, to your knowledge, or has there been, a feeling amongst any portion of the population that you know of, or have heard of, as to partiality on the part of the magistrates in their decisions?—Well, I never heard it till this commission.

4241. Did you ever hear it even whispered?—Never heard it before, and I never saw it.

4242. I was just going to ask you, were you in the habit, during the two years you were mayor, of presiding from time to time at the petty sessions, where the magistrates sat and adjourned?—I always consulted the magistrates.

4243. Were you in the habit of sitting there every petty sessions?—Very regularly; very seldom absent.

4244. Well, from your knowledge of what occurred on those occasions, no matter what classes of cases were brought before the magistrates, did they, to your knowledge, act fairly and impartially?—I believe they were as fair and impartial as any magistrates could possibly be.

4245. I should like to know with regard to one occasion in particular, the occasion on which a man was charged with an assault on Mr. Hampton, do you recollect that occurrence?—I do.

4246. Do you recollect Mr. O'Donnell, the magistrate, sitting on that occasion?—Yes.

4247. As far as you know, did Mr. O'Donnell express any dissent from the ruling of the magistrates, fixing that man 10s?—I do not remember him expressing any dissent; I do not recollect. If a magistrate does not express his dissent, it is supposed that he assents to the judgment.

4248. Mr. Commissioner MURPHY.—That is the interpretation of silence?—Silence gives consent.

4249. Mr. Commissioner EMMET.—And, as far as you saw, *from the facts of that case*, did you and your brother magistrates honestly award the punishment that you thought that the case deserved, without fear, favour, or affection to either party?—Certainly.

4250. Do you recollect the occasion on which a borough constable arrested a man who it was alleged had stood by, or aided or assisted, another in breaking a window belonging to Mr. Hampton—do you recollect that transaction?—I do not remember that case in particular.

4251. Mr. Commissioner MURPHY.—You have no recollection of being present at it?—It was stated, I think, by Mr. O'Neill, as well as Mr. Hampton, that the borough constable was reprehended?—I have no recollection of the occurrence or present.

4252. Are you in a position to give us your opinion with respect to the feeling entertained towards the existence of these proceedings, or allowing their continuance?—Well, I think it would be a very great matter that all proceedings were done away with. As far as I am concerned, I think it would do away with a great deal of the animosity that exists, for, I believe, it is on such occasions that all feelings are excited; and without something of that kind to cause that excitement the people would be always peaceable and quiet. I never presided over a quieter or more peaceable people than the inhabitants of Derry.

4253. And do you think that that opinion is shared by a great many of your brother magistrates in this city?—I do indeed; I cannot speak for other magistrates, but I know that there is a general feeling.

4254. But, do you know that it is shared by a good many of even different political?—I think there is a general feeling; I think the feeling is pretty general, but I cannot speak for all.

4255. You have already said that you think it is pretty general amongst persons of different political feelings and of different creeds?—I think the general feeling is that it would be desirable.

4256. To have them put an end to?—That they should be put an end to.

4257. And you have heard the opinions of some Protestants and Conservatives on this subject—not of all, but of some—with respect to it?—I cannot generalise more than I have done the opinions of other persons. The question was never started in such a way before the magistrates as that I could give you the opinions of individuals. We never discussed the question—the magistrates never discussed the question of putting down the civic anniversaries or any other proceedings; they simply meet for the preservation of the public peace.

4258. But you believe that, outside the magistrates altogether, the feeling very generally prevails amongst the inhabitants of this city?—I think there is a very general feeling amongst the inhabitants that it would be a wise step to stop all proceedings.

4259. That it would greatly tend to promote good feeling amongst the different classes of the community here?—That is the feeling amongst a great number of people, but there is nothing at all about that you will not get opinions on both sides.

4260. But putting a stop to the proceedings would, in your opinion, tend to promote good feeling amongst the different classes of the community?—I think it would; I speak individually.

4261. And your own opinion is also that they are dangerous to the public peace of the city and neighbourhood?—I am of opinion that proceedings of any kind are not for the public benefit.

4262. Mr. Commissioner EMMET.—And I suppose you include in that the playing of bands of any party, or any demonstration, through the streets?—Clearly.

4263. Now, being chief magistrate last year, did it ever come to your knowledge that some were distributed to any persons in the community here, then?—Never; there was a telegram received by me

of the city magistrates, which he showed us, and we could learn nothing more about it. We never could ascertain that such arms had come into the city at all.

4294. What was the purport of the telegram?—I think that some 500 revolvers had been sold in Limerick, I think it was, to come down to Derry, at the time of the election, or sent to Derry.

4295. And you never could trace anything about it more than that?—Never could trace their arrival here at all.

4296. And never based of it till you heard it stated, probably, at the Commission here?—No; not till I read the account of the Commission here.

4297. And, of course, you took no steps about it?—It never came to my knowledge, as a magistrate.

4298. Mr. Commissioner MURPHY.—You heard all the evidence that has been given here with respect to this formidable armament at Muff Glen?—I heard all that, but it was outside my jurisdiction altogether. I have heard of it. I believe the police and others who were there saw it, but I knew nothing about it.

4299. But it is very close, there was a sort of encampment there, and two hostile parties?—What I heard through the town was that they were mostly strangers who came from different parts of the country; but I know nothing of that from my own knowledge.

4300. You know Mr. McCafferty, and Mr. Lynch, who were here?—I do; they are both very respectable gentlemen, and I place every reliance on any statements that they would make, I am quite satisfied that they would know.

4301. Of this perfect reliance to be placed on them we have no question; but do you think that they have singularly good opportunities of knowing?—I am quite satisfied that these gentlemen might have a knowledge that would never reach me. They are both very respectable gentlemen, inhabitants of the town.

4302. They would have opportunities of ascertaining the state of things that you would not?—They might have an opportunity that I could not.

4303. Mr. Commissioner ELLIOT.—You are a member of the Corporation also?—I am.

4304. And you have been kind enough, or the Corporation have, through their Town Clerk, to send us a copy of a resolution that was passed at the meeting of the Town Council on Monday last?—Yes, the Town Clerk was requested to do so.

4305. I think I may read the resolution now—[Read resolution.]

"That this Corporation consider it desirable that the Royal Irish Constabulary should be substituted for the local police force, upon the understanding that all the duties as discharged by the present force are performed by the constabulary, and that the expenditure be limited to the sum of £1,500 per annum, being the maximum sum the present taxation of the city would permit. For several years past this Corporation have been endeavouring to have that arrangement carried into effect, and it was entirely owing to the difficulties raised by the constabulary authorities that it was not adopted. That the Mayor, Alderman Skipton, Councillor Sir Edward Reid, the Town Clerk, and the Solicitor, be now authorised to wait on the Commissioners at present in this city, for the purpose of giving such information as may be necessary for carrying into effect the proposed change in the police force, and making arrangements in accordance therewith."

That was the resolution that was passed, and it was in accordance with that resolution that I have attended here to-day. Our reason for limiting our expenditure to that sum was that our rate was also limited.

4306. Have the Corporation at all considered, or have the magistrates, as far as you are aware, considered the number of the Irish Constabulary that would be requisite and necessary for performing the duties here?—It has been several times talked over, and we generally were of the opinion that we ought to have twenty-five men. I think it is about seventeen we have at present. But our opinion was that our proportion should be about twenty, and with the

assistance of forty other men the magistrates would be quite prepared to preserve the public peace on all ordinary occasions. I, as a magistrate, consider that a divided responsibility is not as good as where the responsibility rests entirely in one quarter; and the constabulary being a trained body of men, and men who have on all occasions discharged their duties remarkably well, the advantage must be obvious to everyone.

4307. When you say that a force of sixty altogether would be sufficient, has that question been discussed between yourself and your brother magistrates?—I have heard the matter discussed before the magistrates on former occasions. I may say that one mode in which it happened to come before us was this, that there was lately a number of extra police ordered to the city of Derry, and I think it was 100 additional men we had. I am not quite certain, but I think it was 100. At the first meeting of magistrates we ordered fifty away at once. We asked the Government to relieve us of fifty, and the other fifty remained for a short time, and we still found we had far too many, and we asked the Government to relieve us from one half, and, at the time of that discussion, we were of opinion that with forty constabulary and the others we would at any time preserve the peace of the city, except when a riot would be apprehended.

4308. That is forty of the constabulary added to the local force?—We should have forty of the constabulary without the local force at all.

4309. Do you mean forty in addition to the twenty that you have?—In addition to the twenty that we have. You will observe that the Corporation has explained by that resolution that the police should take the same duties as are now performed by the city police. One of those duties is that of night-watching, and for that purpose they would require more sergeants. We have always two sergeants for it under the Corporation, and it still would require them. But with one sub-inspector and forty additional police here we think it would be quite enough. We do not think it would be necessary to add an additional sub-inspector.

4310. I presume you think it desirable, or is it so, that a resident magistrate should be always in Londonderry, where there was such a large force?—Well, I have not the slightest objection to a resident magistrate. As I stated before, when my friend Mr. Fitzmaurice was wanted, I wrote to him, and he was always ready to attend; but we could do without them if they were not here.

4311. But from your knowledge of the state of feeling here, do you not think that it would be calculated to give satisfaction, at all events, to a certain portion of the community, and a very large portion, to have a stipendiary magistrate?—It does not appear from the evidence that the presence of two stipendiary magistrates has one iota increased the confidence in the magistrates.

4312. I say only one?—We had for a time only one, but it does not appear to have bettered the state of things at all. So far as I can observe the magistrates, they always co-operate with the stipendiary magistrates sent here.

4313. Have you ever seen any disposition on the part of the magistrates not to take the advice of, and pull together with, the stipendiary magistrates?—Certainly not; everything was discussed amicably and peacefully for the general good.

4314. Now about the city force, before we come to the question of city taxation, have you had opportunities—of course you have had during the two years you were Mayor here—to observe that force?—To observe which?

4315. To observe your local force?—Yes; we have no complaint whatsoever to make against the local force, no complaint whatsoever; but we think, at the same time, that a divided responsibility is not good, and we are of opinion that if they were all under

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proper training and responsibility, that is, commenced a very early period of life—in fact, men who are entirely devoted to the duty—they would be superior to men who come from the country at an advanced period in life.

4216. Well there is one thing I want to ask you about that force. It has been stated here that that force, or members of it, were in the habit, either occasionally or from time to time, of marching as a sort of vanguard to one party here. Do you consider that there is any justification of such a charge?—I am not aware of such.

4217. And never heard it before?—Never heard of it.

4218. Nor as far as your experience goes?—As far as I know the local police I have no charge of the kind to make against them. Our feeling is entirely that a divided responsibility is not good, and we cannot get the same regulations enacted.

4219. You think that the other force, with their training and all that, would be superior?—It is very easy to see that a person whose life has been spent in thought of that sort would have an advantage over other men.

4220. Now with respect to the occurrence of the 30th of July, a deposition of gentlemen waited on you that day with respect to the precautions for the preservation of the public peace?—In July?

4221. In July last year—the Corporation Hall night?—Yes; Mr. Downe wrote to me a note to request that I would have some of the police to attend at the Corporation Hall. I then gave intimation to the Superintendent of our local force, and also to the constabulary, that it was my wish that they should attend at his request and go to him.

4222. And did you yourself—we have heard—
—I was outside the Corporation Hall the whole time, going round the Diamond. I attended on that occasion at the request of Mr. Stafford. I had made other arrangements, I live in the country, and not unassuming for a moment that a lecture could not be delivered in the city of Derry without the public peace being broken, I never dreamed that there would be any riot on that occasion.

4223. However, when asked by the officer of constabulary—
—When asked by Mr. Downe I at once communicated the contents of his letter to them, and requested that they would attend and look after the preservation of the peace.

4224. And then at the request of the officer of constabulary you actually stayed in town?—Yes, the officer of the constabulary and I in the morning had a conference, and we thought that there would be no disturbance. Something occurred during the day—something did occur to change the officer's opinion, and he at once communicated with me, and asked me to remain in town, and I said "I will do so with pleasure," and accordingly I attended at the Corporation Hall that evening, and was round the Diamond the whole evening.

4225. Were you there when this rush was made at the front door?—I was not at the front door at that time.

4226. And you left just at that moment?—Oh, I was coming round.

4227. But you were actually on the spot?—I was actually on the spot.

4228. And had been there before?—And had been there before.

4229. Using your best endeavours there to preserve the peace?—Yes, and I believe on that occasion that the weapons they had were concealed under their clothes—that is, the statement made to me was that the weapons were concealed, and that they did not produce them until they appeared at the front door.

4230. And then, as far as you saw the conduct of the local force that night, did they do their duty?—I have no complaint to make against them. I cannot charge any of them with neglect of duty. You must bear in mind that our local force is a very small body

of men for the preservation of the peace, and I think quite too small for a case like that.

4231. Before the commission came to this conclusion, I understood that they got their town clerk to write to the authorities in Belfast also, to see how things were working now?—They did, that was some time ago; the town clerk wrote to the authorities there. The reason for inquiry there was to ascertain how the system was working, and the answer we got were that it was working very satisfactorily.

4232. Now from what you know of Derry—you say the cost should not exceed £1,500—is that the maximum sum that you say?—That is the maximum sum that we would be able to give out of the rates, and we have a great objection to any increase in the rates, and I believe that that objection is general all over the town; for they have been again and again hammering at the corporation to reduce the rate. We are at the maximum, and we cannot see our way to spending more than £1,500 upon police.

4233. That is, in other words, if a larger force of police is supplied, you must increase the rates of the town?—Yes, and that would be very objectionable.

4234. And you think would give general dissatisfaction?—It would give general dissatisfaction.

4235. I suppose utterly irrespective of parties?—Clearly.

4236. Mr. Commissioner MORRIS.—It is well to get some subject on which all are agreed.—It—we do not differ so often as you think on many points. The people of Derry are very quiet and peaceable, and they have got a character that they do not deserve; they have got elsewhere a name that they do not deserve.

4237. So far as that goes, all the gentlemen who have been examined here on both sides—even Mr. McCafferty, Mr. O'Neill, and Mr. Lynch—said there would not be a more kindly disposed people in the world if those unhappy causes of disagreement were removed. It is right to say they all expressed the same opinion as you do.—I am sure I never had the least trouble in the administration of justice in the city of Derry with either one party or the other.

4238. Mr. McLoughlin.—Both you and I, as Derry men, would be sorry that the city had got a character that it did not deserve.—I think we would—both of us.

4239. Then I suppose it is the recent occurrences that have led to the misconception that has publicly prevailed?—Well, I take it for granted. They have largely increased it at all events.

4240. And I believe the origin of it was on the night of the attack on the Corporation Hall, when you took such effectual measures to preserve the peace?—That was about the first of it.

4241. Now on that occasion you went for the superintendent?—Yes; I am speaking from recollection.

4242. Then certain men were placed on the Hall?—Certain men were placed there.

4243. And now we will assume in argument sake, or at least for the sake of brevity, that those men did their duty as well as they could?—I assume they did.

4244. And yet, notwithstanding that, some of the attacking party were able to break into the Hall, and were only prevented from getting into the interior by the bayonetters inside?—I did not see that, but I believe that was the case—that they were repelled from within and could not make their way in.

4245. Yes, when you heard this report at first, did not believe it possible that any body of men should be so lost to a sense of propriety as to try to break into the Hall with bludgeons?—Indeed I did not believe that they would do anything of the sort.

4246. And, I believe, you honestly and fairly, as any Derry man, remained of that opinion till you saw the men?—If I did not see what occurred when they turned up, I would not have believed it beforehand.

4247. I think a while ago you mentioned the names of Andrew McCafferty and Edward Lynch?—Yes.

4308. As men on whose word every reliance should be placed, and who would have better opportunities than you would have of knowing the opinion of certain parties?—Yes.

4309. And, I believe, it is a fact that during that day, the 20th of July, the prosecutions that resulted in putting a number of working quarry porters in the Hall were prosecutions taken by the people that McCafferty and Lynch were coming with—by Mr. William Young?—I do not know anything about that at all. Those who were inside knew.

4310. Now, I suppose, you would have no objection as a gentleman knowing this city and its merchants well, to couple Mr. William Young, at least in the description as to respectability and veracity in which you have included McCafferty and Lynch?—A most respectable man.

4311. Then, I can tell you, he came up and swore he engaged the man as a prosecution?—Well, I have no doubt of anything he says—not the slightest.

4312. Now, I think you guarded yourself, very properly I may say, in answering the question whether there was confidence in the city police among the public, you confined your answer to what was suggested, to your knowledge?—Clearly; why should I speak for what I did not know.

4313. But I suppose you would not be much surprised to hear that Mr. McCafferty and Mr. Lynch had stated that, rightly or wrongly, there was not that confidence in the city police that one would desire?—I certainly should be surprised to hear that they had stated it; but I have no doubt at all that they stated what they thought.

4314. Now, in answer to a question put by one of the Commissioners, as to the desirability of having a stipendiary magistrate or stipendiary magistrates, I believe that you would have no objection to that?—Certainly.

4315. But no special assembly, you think, exists for them?—For a long time they wanted them, and I did not see any necessity, and—

4316. And they have been so benefited since they came?—I do not see that it has benefited us since, but we do not object to them.

4317. Mr. Commissioner ENLAK—Particularly if you got them for nothing?—If we have not to pay for them.

4318. Mr. McLaughlin.—They are very pleasant when they do come down?—They are as agreeable men as can be.

4319. There is one thing at all events that must be said in their favour, that they always act harmoniously with the magistrates when they come here?—So far as I have seen.

4320. So that, in point of fact, whatever might be the views of the magistrates in any case, the views of the stipendiaries would be much the same?—Very much the same; we very rarely have had a division on the magistrates' bench.

4321. And I suppose never in a case of any consequence?—Except some serious case, but generally in ordinary cases there is no division.

4322. In cases of wilful murder?—In a case of wilful murder there might be a difference.

Mr. McLaughlin.—A case of wilful murder is, by reason of the eccentricity of the popular mind, regarded as of some considerable importance.

4323. Now, in the case of admitting to bail of a gentleman of the name of Baker, who had the misfortune to be accused by a dying man of having committed the crime of wilful murder, I believe there was some difference of opinion?—There was some difference of opinion among the magistrates on that occasion.

4324. I believe that man had previously been committed for trial by Captain O'Connell, the stipendiary, sitting alone?—I do not recollect exactly.

4325. And I believe those stipendiary magistrates who ordinarily co-operate so harmoniously were against admitting this man charged with wilful murder to bail?

—Well, when the matter was discussed, the stipendiary magistrate simply said that it was not a bailable offence in his opinion, and therefore he could not agree with the opinion of the other magistrates, that it was not a bailable offence.

4326. The scruple that existed on his mind was, that it was in antagonism to the law of the land?—He said it was not a bailable offence.

4327. In that case the harmony was rather broken in upon?—Well, there was a difference of opinion, that is all. They sat afterwards on the bench very harmoniously together.

4328. Now, have you seen Mr. John Rea at all?—Oh, indeed, I have seen Mr. John Rea, and I have had the pleasure of shaking hands with him since he came to town.

4329. Well, he was present, I believe, during the long magisterial inquiry into the deaths of Mr. Manseloff and Craig?—Yes, he was.

4330. And you heard him during those days?—Well, I did not attend all the time.

4331. However, you were there several days?—I was there twice—two days.

4332. That was considered, was it not, a rather important inquiry?—Well, I do not know what may be the opinion of the magistrates, but for myself I found I could not attend during the time, and had to absent myself. Anything of the kind ought to be considered important.

4333. Now, I believe that notwithstanding your occasional absence, with which I do not find the slightest fault, there was a very full attendance during that inquiry?—Well, according to what I saw in the newspapers there appeared to be generally a very considerable number of magistrates.

4334. A much fuller attendance than you would have in the ordinary course of business?—I think I saw about six; I think about six magistrates.

4335. Do you remember, in passing about, how many magistrates were present during the inquiry before the magistrates that followed this attack on the Corporation Hall?—Well, I cannot recollect, but the local papers always published it.

4336. Twelve or fifteen?—I should say there was a great number.

4337. In the ordinary course of business such a large number of magistrates seldom attend?—Very seldom.

4338. I suppose the average attendance would be something like four?—No; never six, I should say.

4339. I believe in that case Mr. O'Donnell expressed his regret that the magistrates were not acting as he would have acted?—Well, I do not remember hearing him say so.

4340. Do you not remember this, that the magistrates suddenly determined not to go further into the investigation of the case, but to send the police for trial, without hearing those that represented the police?—I do not recollect whether I was present on that occasion.

4341. But do you not know it, as it was notorious as that the sun rose to-day—did you not read it—and that he remonstrated?—I think it was stated in the papers; the only knowledge I have of it is that it appeared in the papers.

4342. I believe Captain O'Connell was also one of the dissentients and Mr. John O'Neill?—I could not tell who were the dissentients on that occasion, for I did not attend the meeting of magistrates during the whole time. I was not there except at the preliminary part, so that I cannot tell you.

4343. I believe the only one of the local magistrates that concurred with the stipendiaries on that occasion was Mr. John O'Neill?—I cannot tell.

4344. But if Mr. John O'Neill was the only man who agreed with them, then it would follow that the only one of the local magistrates who agreed with the stipendiaries was a Roman Catholic?—Certainly, if that were the case; there is no question of that.

4345. Now, you have expressed very fairly a pre-

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fences as regards the police force, for men who have been regularly trained to police duties as a profession I have, and I think there is but one opinion about it as far as I know.

4344. I suppose that opinion is formed in the ordinary way that men of the world form an opinion, by seeing men brought up to a thing, and consistently at it, doing it best?—Yes, I should think any person best adapted to a business who was brought up to it.

4345. Well, in a matter more or less connected with the police arrangements as regards the keeping of the peace of this city, to wit, the magistracy, would you not be inclined to say that a stipendiary magistrate who was regularly brought up to that business, and consistently at it, would be rather preferable to a man who only attended to it now and then?—I will tell you what, Mr. McLaughlin, during the election I had the assistance of Captain Slack; I think it was his first appearance as a stipendiary magistrate; and I can assure you that the assistance that he rendered me on that occasion here in preserving the peace was very great, and I could not ask from a man of forty years' experience greater assistance.

4346. Mr. Commissioner HENRY—Captain Slack had army training for a long time, for he was in the 10th Hussars?—Is that so.

4347. Mr. McLaughlin.—Very few of the local city magistrates have been in the army at any time?—I am aware of that.

4348. Would you be surprised to hear that Captain Slack had been trained as a military man, and would you say that would account for his great efficiency?—Well, he was a man of great efficiency.

4349. Do you not think that if Captain Slack had superadded to his other qualifications natural and acquired, the additional advantage of ten years' experience here, there, and everywhere, in times of peace and disturbance, as a stipendiary magistrate, he would be still the better of it?—It would be no loss to any man to have experience.

4350. I suppose you do not say Captain Slack was the only thoroughly good stipendiary magistrate?—No, certainly not; but he was the gentleman deputed by the Government to assist me on that occasion.

4351. Was not Captain Peel in the army, too?—I believe he was, but I do not recollect exactly whether Captain Peel was here at the time.

4352. And I believe Mr. Fitzmaurice was in what we may call the national army, to wit, the police?—Yes, he was in the police force.

4353. And I believe a great number of the men, begotten and generated in the police force, eventually developed themselves into stipendiary magistrates?—I cannot tell.

4354. Would you not say, upon the whole, that it would be only fair to extend your opinion to the stipendiary magistrates, as men who were brought up to the thing they do?—It is no loss to any man, as I have said already, to have experience.

4355. But is not it a gain to a man?—It ought to be, but sometimes men of experience may err just as much as others.

4356. Human nature is always fallible?—Yes.

4357. Although it is said that experience teaches?—Experience is a good thing.

4358. Now I think you said that you would be in favour of putting an end to all those celebrations?—Yes.

4359. Because they were more or less inimical to the public peace?—I think it affects public feeling, and I would much rather they were done away with.

4360. Would you put down all processions under whatever pretence?—Oh, every kind.

4361. One night, I suppose, venture to say, in talking of processions generally, that the Apprentice Boys' processions have been the most general and most regular?—The most regular.

4362. I mean the most regular in the order of their occurrence; they are every year, twice a year at the least?—They are twice every year.

4363. And it is the exception when there are local processions of any other sort—no other sort in the community regularly indulge in processions twice a year?—No; I think that the 12th of July is a celebration day as well as the 12th of August.

4364. But that party are not in antagonism to the Apprentice Boys?—But sometimes there is some disturbance. I am for stopping all.

4365. I mean to convey that there is no regular processions by the Catholic party?—I am not aware—unless you call going through the streets occasionally with a band.

4366. Would not you be in favour of putting down those also?—Decidedly.

4367. So would I. Now the local magistrates, I think you say are so numerous that the largest meeting you ever presided over was a meeting of sixteen or seventeen?—Sixteen or seventeen; they were nearly all there; I think nearly all that were in the county were there that day.

4368. Now the opinion that you have given as to the desirability of putting down those celebrations—you have given partly as a citizen and partly as a magistrate?—I gave it in both capacities; I wish to see peace.

4369. And you think that would be a desirable way of promoting it?—I do.

4370. I think you said that there existed a pretty general feeling among the citizens—I am not now for a moment talking of the magistrates—that there existed a pretty general feeling among the citizens corresponding with your feeling?—Well, I think there is. But there is nothing at all that there will not be opposition to.

4371. Now do you think that there exists among the magistracy an equally general feeling, by way of disapproval of the Apprentice Boys' processions?—Well, the question of approval or disapproval was never discussed by the magistrates in my presence, and I will not speak of what I have had no opportunity of hearing. I will speak my own opinion, but I will certainly not speak as to the opinion of others.

4372. But we will take the other persons as citizens and not as sitting and deliberating in magisterial conference. Would you say that the men who have the commission of the peace, if polled, would show a majority in favour of doing away with those celebrations?—I really cannot tell you; I have answered the question, that I have no opportunity of forming an opinion, you are asking an impossibility.

4373. You think it is impossible to form an opinion on the subject?—I do.

4374. Now we have had already some evidence as to the relative strength of political opinions among the magistrates; are the great majority of the magistrates what is commonly called, and rightly, Conservatives?—The great majority? I don't think they are; I think each side is very fairly represented in the magistracy at present. It is very seldom the magistracy are so fairly represented as they are here.

4375. Eh?—It is seldom that the magistracy, as a rule, are more fairly represented than in that list, if that be the list that you hold in your hand.

4376. How long is it since you were appointed magistrate?—About three months after I ceased to be Mayor.

4377. That would be about the month of March?—About the month of March.

4378. I believe Mr. William McCarter and Mr. Adam Hogg were appointed about the same time?—Yes.

4379. You still think that they are fairly divided?—I do, indeed, very fairly.

4380. Do you apply that to the city magistrates generally or to those who usually take part in the administration of the law?—Well, I think both ways it would apply. I think we have a very fair representation whether in the attendance or in the total numbers.

4381. Now I want to ask you again, if you please, do you think are the local magistracy, as a body, de-

dream of putting an end to those celebrations?—I have already told you that I cannot speak for the opinions of people that I have never heard express any, and I am not going to express an opinion for other people. Where there was no opportunity of noting the feeling how could I do so?

4385. Mr. Commissioner EHRAM.—What you say is fair enough. You never heard the matter discussed among the magistrates. All you heard discussed among the magistrates was the means of preserving the public peace, and protecting it as far as they could?—Clearly.

4386. Mr. McLaughlin.—Now, I take the gentleman whose name stands at the foot of the list—Mr. James Murray. Does Mr. James Murray, do you know, occupy any public or prominent position as President of the Apprentice Boys?—I see it in the newspapers, but I have not any knowledge of that.

4387. You have no doubt that what you see in the papers is the fact?—Well, I suppose if it is not contradicted it is correct.

4388. Have you not over and over again seen in the papers, James Murray, esq., J.P., presiding on all those occasions?—I have seen that he presided at the Corporation Hall at a public meeting or something of that kind.

4389. Mr. Commissioner EHRAM.—He says that he has seen the name of James Murray, esq., J.P., presiding at a meeting in the Corporation Hall.—?—Witness—Yes.

That is a very different thing from saying that he has seen anything in the papers as to James Murray, J.P., heading a procession of the Apprentice Boys.

4390. Mr. McLaughlin.—I never asked him such a question. [To witness]—Give me leave to ask you what was the character of those meetings—Apprentice Boys' dances?—You might call them so.

4391. You have already testified to the veracity of Mr. McCafferty and Mr. Lynch; now, if they said there existed a wide-spread want of confidence in the decisions of the local magistrates do you think they were telling what they believed to be true?—Well, I will tell you what, I have no doubt that they believe what they say, but I would not at all agree in that opinion. I say that they are gentlemen whose credibility I do not at all doubt, but it is all a matter of opinion, and I certainly, as far as I am concerned, express my opinion very strongly that there is no favouritism in the administration of justice in the city of Derry.

4392. Mr. Commissioner EHRAM.—Mr. Tibble himself said that he heard the thing whispered. Mr. Tibble said that he was not aware that there was an amount of public opinion on the subject until he heard it stated by those gentlemen, but he knew it had been whispered of.

4393. Mr. McLaughlin.—Now, I ask you do you believe, from what you know of the magistracy, if the Catholics turned out with banners and music on the 17th of March, would they be allowed?—That is asking me a question on which I had not an opportunity of forming an opinion,—it is late enough to answer a thing when it occurs, and I do not like to be going into the details.

4394. Mr. Commissioner EHRAM.—If you were asked now to form an opinion could you form one?—I would much rather form an opinion from occurrences.

4395. Mr. McLaughlin.—I quite agree with the rule as you lay it down—form your opinion from occurrences. Suppose you were told that certain processions, with tar-barrels, had taken place inside the walls a month previously by the Protestant party, and suppose you were told as a fact that on the 9th of February the Liberal or Catholic party, as they are sometimes somewhat erroneously called, were kept outside the walls by a previous arrangement of the magistrates, would that be a fact that would enable you to form an opinion on the question?—Well, I was not a magistrate at that time, and I cannot tell you whether there was any deliberation of the magistrates.

4396. Then you can form a more impartial judgment?—If I were to give my opinion on that subject I would say—it is easier to form an opinion after the occurrence; and if I were giving my opinion I would say that they should not have been prevented coming into the city on that occasion, so long as there was no breach of the peace.

4397. Now, who was mayor at that time?—The late Dr. Babington was mayor. I was not a magistrate then, and I cannot tell what local arrangements were made on the subject.

4398. Now, that fact being admitted—?—I am forming my opinion from what occurred afterwards, and if it had taken place before I might have had a different opinion; but I always consider that we have a better opportunity of forming an opinion after an occurrence.

4399. Then it would be only after another attempt of the Catholics on the 17th of March, and after you had seen the action of the authorities, that you would feel sure that you could form an opinion?—After things had occurred. I mean to say also that if such a procession was to occur, and that it partook of anything of the nature of a party procession, I certainly would take the same steps, with regard to the preservation of the peace, as on any other occasion.

4400. What would be the steps you would take?—The steps generally taken by the magistrates were to order more police into the town, and to tell them to put the law in force.

4401. That was to put the law in force, by preventing anyone interfering with the processions, for that is the evidence of the last witness?—The police have their own arrangements—they are not under orders—they do what is best for the preservation of the peace.

4402. Now, with reference to the possible existence of an opinion that the magistracy do not act impartially, I suppose you would say that Mr. John Casey was a decent man?—Indeed I would, I have known Mr. Casey a long time, and no one that knows him can say anything else of him.

4403. And Dr. White, I suppose?—Indeed I would.

4404. Now, if Dr. White and Mr. Casey depose that there existed a feeling to the effect that the magistrates were not, in party and political cases, impartial, would you think they were right in that?—I have told you what I thought in answer to the same question being put as regards other parties.

4405. Mr. Commissioner MURPHY.—You think that they are gentlemen who state what they believe?—They state what they believe, but they may make mistakes as well as others.

4406. But then they have a good opportunity of knowing the feeling of the class of the community to which they belong?—They ought to have a good opportunity.

4407. Still your opinion is, that that opinion of theirs is not rightly formed?—That is mine; I differ from them in opinion.

4408. Mr. McLaughlin.—Did you ever hear any anger or dissatisfaction, on the part of the Catholic community, at these displays?—Never.

4409. You never saw it stated in newspapers representing their opinions?—Very often newspapers state things that are not facts.

4410. Do you not know that Mr. James Casey and Mr. William Kennedy, merchant, and Mr. Gallagher, butcher, and Mr. William McLaughlin, now a member of the bar, all swore that it was offensive to the Catholics?—Well, I do not know; they may have done so, but it was not to my knowledge.

4411. And have you any doubt that the Catholics so regarded, whether rightly or wrongly?—I cannot say that, I say let all have their own opinions, and let them judge for themselves.

4412. Mr. Commissioner EHRAM.—Did you ever, during the two years you were mayor, call a meeting of the magistrates with respect to any intended procession on the 17th March?—I have no recollection of

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any, and I do not recollect any procession in Derry on the 17th.

4412. Or you would have a notice of it?—The course always was, if any respectable person, on whose credibility I might depend, came to me and would say that he thought the peace was endangered, I would endeavour then to take such steps as were requisite for the preservation of the peace.

4413. And, I presume, you, in the discharge of your duty, if any person had come to you and given you any information about a procession on the 17th of March, would have called a meeting of the magistrates on that occasion?—The same as any other.

4414. And, not having had to call that, you cannot tell what proceedings were taken by the magistrates with regard to a matter which you were never asked about?—I cannot.

4415. Mr. Commissioner MURPHY.—With reference to the occasion that Mr. McLaughlin reminded you of, with respect to accepting bail in a particular case, Mr. O'Donnell, the stipendiary magistrate, did state that, in his opinion, it was not a bailable offence?—He said that it was not, in his opinion, a bailable offence.

4416. But the magistrates said that, in their opinion, it was a bailable offence?—No, they did not; they simply—

4417. And what did they say in answer to that objection of Mr. O'Donnell's—did they say it was a bailable offence?—Well, as far as I recollect, I think that the decision of the magistrates was come to before Mr. O'Donnell had expressed that opinion, and that by the decision or opinion already come to by the magistrates they stood.

4418. The bail had not been completed at the time he made the objection, had it?—I think the mayor said at the time, as well as I recollect, that the man was in great danger at the time in the infirmary, and that he would not be cross-examined, and that it would endanger his life to cross-examine him on the question.

4419. That is, the man who made the information?—That is, the man who made the information, the mayor, who was also surgeon of the county infirmary, stated that his life would be endangered by asking him any further questions, and I believe that that had its weight with the magistrates; seeing that they could not get any information out of him, except what was down in the paper itself, or ask him any questions on the subject, they did not like to commit a person on such a charge as wilful murder, without having an opportunity—particularly so Dr. Robinson thought that he might be able in a few days to answer the questions, but it so turned out that he was never able. But that had its weight with the magistrates, seeing that they could not get any further information.

4420. Mr. Commissioner KEENE.—And was not the question as to whether the man should be admitted to bail discussed by the magistrates—when you say that a vote was taken or something—was there a discussion before that vote was taken?—I think the application was made outside, and the magistrates decided on admitting him to bail. There was not very much discussion. There was simply a division of the magistrates. As far as I recollect Mr. O'Donnell and Mr. O'Neill dissented from that decision. Captain Coote was there also, and he dissented.

4421. And the rest of the magistrates thought otherwise?—The rest of the magistrates thought that they would admit him to bail.

4422. And you think, from the discussion that took place, that what operated on the minds of the magistrates was that there was no opportunity of cross-examining the man?—That there was no opportunity of cross-examining the man, and that he was in such a state, according to the evidence of Dr. Robinson,

that he was in such a state that he hardly knew what he was doing.

4423. As a matter of fact I would like to know was there a verdict found by the coroner's jury at that time of wilful murder against the man?

4424. Mr. McLaughlin.—There never was any coroner's verdict there, because that was the case in which the original coroner's jury summoned was discharged afterwards on the opinion of Mr. Bea. There was an open verdict in the case of Craig. On the bodies of McDonnell and Craig an inquest that terminated regularly was held. That inquest resulted in a verdict having two chances. One of those chances was a verdict of manslaughter passed Edward McDonnell, and the other an open verdict in the case of Craig. Subsequently Murphy, the other person shot, and who eventually died, made a deposition while in the infirmary identifying a man of the name of Becker as the man who had shot Craig, and it is with reference to that that the whole matter is.

4425. Mr. Commissioner KEENE.—Then, on the day that the bail was taken, as I understood, he was not ultimately committed for trial—was he ultimately committed for trial on that day?—I do not recollect.

4426. The way it arises is this, that Sir Edward says that the late Mayor suggested that if the inquiry was postponed the magistrates might be in a position in a few days to answer questions, and then the magistrates postponed the case, and the man was admitted to bail in the meantime?—Exactly so.

4427. Because it would be one thing if the man was actually committed to take his trial for wilful murder. Then the question might arise.

4428. Mr. McLaughlin.—I think you may take it that the man was regularly committed for trial.

4429. Mr. Commissioner KEENE.—That is not Sir Edward's recollection?—I do not recollect; I cannot say at present.

Of course the information of the dying man was taken at the infirmary, and then on that information the man was arrested, I presume, and brought before the magistrates.

Mr. McLaughlin.—No.

Mr. Commissioner KEENE.—Then on that inquiry that took place before the magistrates Dr. Robinson stated that the man might be in a few days in a position to be cross-examined.

Mr. Colleson, Clerk of the Crown.—I have got the bail-bond that was entered into, and that would fix one day at all events.

Mr. Commissioner MURPHY.—At some time or other he stood committed for murder.

Mr. Colleson.—There was an indictment found against him at the assizes, and I have got the informations that were sworn, and the bail-bond that was entered into. There was a time bill found, but the Crown did not prosecute. He's out on bail to attend at the next assizes.

Mr. Commissioner MURPHY.—Mr. Colleson, you are able to give us this information from the calendar that was laid before the Judge at the assizes. No matter whether he was prosecuted or not, on what charge did Barker stand there?

Mr. Colleson.—I could not say, but I shall be able to give you that information certainly within half-an-hour.

Mr. Commissioner KEENE.—You can give us the Crown book.

Mr. Colleson.—Yes.

Mr. McLaughlin.—The trial of the police was postponed, and it was thought unfair by the Crown to prosecute one man while the trial of the others was postponed.

James William Gregg, Esq., Town Clerk, examined by Mr. Commissioner EXHAM.

Reverend Date.

August 25—

James William Gregg, esq.

4430. Mr. Gregg, I believe you are town clerk?—I am town clerk, clerk of the peace for the city, and deputy clerk of the peace for the county as well.

4431. May I ask you what is the number of the local force here at present?—There are at present altogether thirty-eight men, including sergeants and the head constable.

4432. And an inspector, I suppose?—And an inspector.

4433. What is the present cost of that force?—£1,500 a year.

4434. They cost you?—Yes.

4435. And we heard that it is the maximum amount that the rates are available for at present in Derry by a local law?—Certainly; that is the maximum sum.

4436. That you can apply to the payment of the police?—Yes.

4437. Is there any register kept of the ages of the men?—Oh, yes, I have got it.

4438. And the names and ages of the men you can give us?—Certainly I can. One half of the men are very young men, who have been lately appointed—within the last two years, I believe.

4439. By whom are the local police force elected?—By the corporation.

4440. Well, of course after the resolution of the corporation, which has been communicated to us by the town clerk, we think it is not necessary for us now to go into the question of election. When the body who have that power come in and say they wish them to be removed, and an alteration made in the constitution of the force, and that they prefer the constabulary, I don't see what object can be effected by going into the substance of the appointment of the force.

4441. Mr. McLaughlin said that the question of the partiality of the police was so intertwined with the partiality of the magistrates that something might turn upon that point.

4442. Mr. Commissioner EXHAM.—If you go into that, in justice to the force that may be going out, many of whom are young men, and might or might not wish to get places in the constabulary, we will be bound to ask whether these charges of partiality have been made on any foundation, so that if they have not they will not affect the force hereafter.

4443. Mr. McLaughlin—I will not say a word about the Town Hall good, bad, or indifferent, if you don't like.

4444. Mr. Commissioner EXHAM.—We cannot shut our eyes to this fact. We have the names of the men who were there on duty, and on the common principles of justice, when they are charged with making a way for the attack to be made, we cannot help asking them whether that statement is accurate or not, and giving them the fullest opportunity of vindicating themselves.

4445. Mr. McLaughlin—I cannot have the slightest objection to that, and I think the Commissioner may depend upon my professional character that I will not ask any question that I do not consider a correct and proper one.

4446. Mr. Commissioner EXHAM.—We are sure of that, Mr. McLaughlin.

4447. Mr. Commissioner MURPHY.—[To Witness].—You have great knowledge and experience of the city and county of Londonderry?—I have.

4448. And have you a good opportunity of knowing the state of feeling between the different political or religious parties in it?—Well, I think I have.

4449. What is your opinion, as a citizen, anxious for the peace and prosperity of the community in which you live, as to the continuance or discontinuance of these processions about which we have heard so much?

—I think it would be for the benefit of the country if all processions in Ireland were put down; but I think so long as they are tolerated in Dublin, Drogheda, Waterford, Cork, and other places of that kind, they will be continued in Ulster. I think they have been

increased of late years in consequence of that, and of the McManus funeral; but I think it would be for the benefit of the country if processions of all kinds were put down in every part of Ireland.

4450. But confining yourself to this district, do you think the continuance or repetition of these processions endangers the peace of the community?—Well, from the evidence of Mr. Lynch, I should say so. I cannot speak of it myself, but I believe Mr. Lynch, who is a most correct, honorable, and peacable man. I have seen celebrations conducted for years peaceably and quietly.

4451. I suppose you say you would wish them put down in all parts of the country, because you think they are calculated to disturb the public peace, and here you think they equally disturb the public peace?—Well, I think they cause bad feeling, but I am convinced, unless they are put down generally all over Ireland, the processions will still be carried on in Ulster, and that if the others were discontinued these would come also.

4452. Then you think it is a question as to who should first begin?—I think it ought to be simultaneous, and have the two put down at once.

4453. Mr. Commissioner EXHAM.—And do you apply that remark to head-dressing in the streets also?—To anything.

4454. Mr. Commissioner MURPHY.—To everything partaking of a party procession?—Yes. I would like to see the people living amicably together, as fellow-workmen and fellow-citizens, working for the good of the country.

4455. Mr. Commissioner EXHAM.—And is it your opinion that if these processions were put down everywhere, from what you know, large consequences would follow in a short time?—Well, I cannot say that.

4456. But you think it would be a great means of securing them?—I think it would be a most desirable thing that no procession was tolerated anywhere.

4457. Do you know anything about the 29th of April last—were you in town that day?—I was.

4458. Did you see that flag we heard of on that day?—I saw it just as Prince Arthur was coming towards the Corporation Hall, but not till then.

4459. Do you know yourself did the exhibition of that flag, carried after the son of our Sovereign, give offence or not?—I heard several people express offence at it.

4460. And people of the respectable class, did you?—I did.

4461. What was the state of feeling among the people in the street up to the time that flag was carried?—Everything appeared to me to be peaceable and quiet, and I had not the smallest idea that any disturbance would take place.

4462. Was ill-feeling openly manifested against that flag while it was there?—I heard it expressed in the street that if it was seen again the flag would be torn down. I heard that stated in the street, and I think it was fortunate that up to that time the Apprentice Boys were on the walls.

4463. Is it because it would be considered offensive by them?—Yes; carrying a flag with a harp without a crown after our of the Royal Family.

4464. And that was what you heard expressed in the street?—Yes.

4465. And not anything about the colon?—No.

4466. You kindly furnished us with this document which contains on it certain queries sent by you to the authorities in Belfast on the part of the Corporation, and the answers?—Yes, these are the answers I got from them.

4467. And these queries are as to the constitution of the police force in Belfast, and as to whether the change there had given satisfaction or not?—Yes.

4468. And we have got the answers here?—Yes.

4469. Mr. Commissioner EXHAM.—[Addressing Mr. McLaughlin].—The answers state that all the duties heretofore performed by the local police in Belfast are

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now discharged by the constabulary force, and express great satisfaction with the result of the change in the constitution of the force and things of that kind.

4470. Mr. McLaughlin.—As far as I am personally and professionally concerned, I would be anxious the precedent of Belfast should be followed here in reference to the change of police, for it is one of the things for which I am contending, and I now express a hope that Mr. Greig will follow the model of the Belfast police returns that he will find in the appendix of the Blue Book. *Witness*.—I have not seen it.

4471. Mr. Commissioner EHRAM.—We will show you a copy of it.

4472. Mr. Commissioner MURPHY.—The existing police force were elected by the Corporation or Town Council.—They were elected by the Town Council and Corporation.

4473. Is there any feeling of dissatisfaction entertained by any portion of the community as to the men selected for that office?—I never heard any, either as an individual or as official.

4474. Is it a fact that any of those men—are you aware of it yourself—being in any way connected with the opposing party, with the Apprentice Boys, has caused a want of confidence in the other party?—Not that I am aware of myself.

4475. Is it a fact that some of those men are locally connected with members of the Apprentice Boy party in any way, and that that has caused the want of confidence alleged by the other party?—Not that I am aware of myself.

4476. Was it a fact that such relations did exist between them that necessarily would cause out of the fact that the police were selected from the neighbourhood?—I never heard any objection to the men made anywhere.

4477. You did not hear objections arising from the fact, but was it the fact that those local connections did exist?—I did not make any inquiries as to whether there was any connection between members of that force and the body called the Apprentice Boys, and I am not aware of it.

4478. Mr. Commissioner EHRAM.—And no complaint was ever made as far as you are aware, either to yourself officially or to the Corporation?—Never.

4479. Mr. Commissioner MURPHY.—You heard, I suppose, the opinions expressed by Mr. O'Neill, Mr. McCafferty, and Mr. Lynch?—I read them in the newspapers.

4480. Did they come by surprise on you?—They did, very considerably.

4481. You were not aware that such a feeling as they stated had existed previously?—Not generally.

4482. But I suppose you think they have good opportunities of ascertaining the feeling of a particular portion of the community?—I certainly think so.

4483. They are respectable men?—Most respectable men.

4484. And, of course, they naturally have more opportunity of ascertaining the feeling of people of their own creed than you would have?—Certainly.

4485. Mr. Commissioner EHRAM.—Do you know whether it has ever been made the subject of observation and complaint in Derry, that whenever quarrels take place both the police and magistrates act partially?—I never heard it before this Commission sat.

4486. You had never witnessed it?—Never.

4487. Mr. Commissioner MURPHY.—Mr. O'Neill said, in reference to an occurrence that struck me as somewhat remarkable, that on the occasion of the display at the time the election petition was decided there was a procession of the party known as the Downe party, and that that procession was kept outside the walls. We thought that an order very properly given to prevent a collision between the parties, but what Mr. O'Neill said was, that in keeping out the people at the police waiting stations, the constabulary were placed in a false position, and in answer to my question he further said, that the opinion amongst a large portion of the inhabitants was, that if it had been the

Apprentice Boys who were marching in that procession, exhibiting their joy or triumph at the success—that if that was the party they would not be excluded and prevented entering the gates, as the Bog-side party were. Do you think that there was any foundation for that opinion?—I think if the Apprentice Boys had gone out—I saw them going out before—they would not be interfered with.

4488. That is, if they had gone outside the town?—I never knew them to be interfered with.

4489. Is it the fact that Mr. O'Neill's fears are well founded or not? He said in his evidence that the opinion not only existed, but what is much stronger, in his judgment it was well founded, and that measures would be taken to prevent a procession of the Bog-side party that would not be taken to prevent a procession of the Apprentice Boys' party. First, now, do you think does that feeling exist among the Roman Catholic population?—If he said it I suppose it does, but I really do not know.

4490. Does your experience enable you to say that there is a foundation for that opinion?—Well, I saw a procession of the Roman Catholic party prevented on several occasions myself.

4491. On several occasions, and successfully prevented?—Yes.

4492. And you have not seen a procession of the Apprentice Boys prevented?—Not for some years, but they were two or three times prevented when the authorities thought to stop them.

4493. When was that?—I think it was about the year '42 or '43.

4494. They were prevented in '42 or '43?—Certainly.

4495. And by the authorities?—Yes, in apprehension of disturbance, and by the present mayor.

4496. In apprehension of disturbance?—Yes, I presume it was.

4497. And was it at that time considered that they gave offence to an important portion of the community?—Well, I should suppose some people considered they did, but I could not say so myself.

4498. And, acting on the existence and prevalence of that opinion, at that time measures were taken by the authorities to prevent them?—There were on those occasions—once or twice.

4499. And you have seen on recent occasions processions of the Bog-side party also prevented?—Several years ago I saw them prevented—many years ago, I have not seen them prevented of late years though.

4500. Well—in fact I believe it is in evidence already—they were not attempted of late years. Now, tell me, you have great experience in this city, both officially and otherwise, as an inhabitant, and you have a knowledge of the facts you mention of what occurred in '43 and '44?—I have, and I saw processions since then.

4501. And is it your opinion that if processions of the Bog-side party were attempted in the city of Derry on the 17th of March—St. Patrick's Day—they would be allowed by the authorities, in the same way that the processions of the Apprentice Boys are allowed on the 12th of August?—I think they would, if there was no disturbance.

4502. How could you give a guarantee for that before-hand? Suppose, now, the Bog-side party had come, and the authorities knew that on the 17th of March, last year, they intended to march in procession, with music and green boughs through the city, would they have been allowed, in your opinion?—I could not say.

4503. What is your opinion?—I think they would be allowed, as far as I can personally judge.

4504. Just in the same way as the processions of the Apprentice Boys would be allowed?—I think they would.

4505. Mr. Commissioner EHRAM.—You mean, I suppose, by that answer, so far as the authorities were concerned, they would allow the procession to walk through the city, taking such precautions as they thought necessary to prevent a collision between the two parties?—Yes.

4506. And they would have thought that procession at the Beguise party, you think, just as well as they allowed the Apprentice Boys' procession?—Yes, I think they would.

4507. You said as that on three or four occasions the Apprentice Boys were prevented marching in procession by the present Mayor?—They were.

4508. How long ago is it since you know of these processions having been prevented?—I think it was about the same time as the others were prevented, in 1845.

4509. That is, the present Mayor prevented both sides?—He did.

4510. And they were in the habit of going in procession on both sides then?—Yes.

4511. And conflicts, I suppose, resulted?—Yes, and considerable smashing of windows in the town inevitably followed. It was shortly after the passing of the Municipal Act that they were discontinued. I may be wrong as to the year, but I know it was somewhere about then.

4512. Mr. McLaughlin.—Mr. Gregg, the Commissioners have asked you whether you have an opportunity of getting information on these points?—Yes.

4513. And have you?—I think I have.

4514. I believe you were President of the Apprentice Boys yourself for many years?—For nearly a quarter of a century.

4515. And you always marched at the head of their processions during that time?—Well, occasionally I did, and—

4516. I am not blaming you for it at all—quite right?—And I am not ashamed of it.

4517. And I suppose there is little connected with any portion of the history of the Apprentice Boys you do not know?—Indeed I know a good deal of it.

4518. You were in court the day I was examined, I believe?—I was.

4519. And you heard me swearing what I thought the opinions of the Catholics are about these processions?—Yes, I did.

4520. And did you doubt after that, and after all you heard that day, that there was a feeling among the Catholics that these celebrations are both offensive and insulting to them?—I did believe there was.

4521. And you believe it still?—Well, I must believe what was stated here, but I have no actual knowledge of it myself.

4522. Now, you mentioned something about an attempt that was made to put down the Apprentice Boys' processions in '48?—Yes.

4523. I believe that was the time Mr. Goulson, the resident magistrate, was sent down here?—I believe it was.

4524. And I believe he was near dying on that day?—Oh, I don't know anything about that.

4525. He was not popular here, I believe?—I don't know anything about that either.

4526. You were not on the walls that day?—No.

4527. But there has been many a procession since, which you were with?—Oh, yes.

4528. And haven't you given the order to fire now yourself many a time?—I heard you myself give it—Yes, I have.

4529. Now, from your experience on that day you would not doubt—whether right or wrong in another matter altogether—that there was some dissatisfaction at all events about these displays?—There was dissatisfaction about them.

4530. I think you stated to the Commissioners, when asked whether the celebrations of the Apprentice Boys should be put down or not, that you were of opinion that all processions should be put down, but that when they were permitted and continued at Dublin, Drogheda, Waterford, and Cork, you thought they should not and would not be put down in Ulster?—I did not say they would not.

4531. Mr. Commissioner MURPHY.—Oh, no, he did not. What Mr. Gregg said was, that when they are allowed in these places he did not see why they should be put down in Ulster.

Witness.—Precisely. I said they could not be put down here and allowed in other places.

4532. Mr. McLaughlin.—And do you still hold that opinion?—I do. I believe if processions are put down in one place they should be abolished in all parts of the country. I think they ought to be put down everywhere.

4533. I believe it is not the first time that that opinion has been expressed by the party you are connected with?—I don't know.

4534. Of course, when you speak of processions in other places you mean displays like the McManus funeral and things like that?—Yes; and also such demonstrations as that which took place the other day at Cork.

4535. And, I suppose, you would also add the procession that took place in Dublin some time ago, on the occasion of laying the foundation stone of the Catholic University—you would call that an offensive assembly, I suppose?—I don't recollect that, but I should say it would not come under the heading.

4536. What you allude to then are those processions connected with a class called Fenians in this country—such as the Manchester procession?—Precisely.

4537. And those displays connected with Fenianism?—Yes, those are what I mean.

4538. There was no Fenianism in '48, I believe?—Not that I am aware of.

4539. No, there were Young Irelanders then, I believe. Would you call the existence of those processions a justification for the Apprentice Boys' insulting and offensive displays?—I do. I think they increased processions all through Ireland.

4540. Then, it is the existing cause of these processions?—Yes, I think it has increased them.

4541. Then, give me leave to ask you, as a gentleman of education and intelligence, whether it is possible for a cause to operate before it comes into existence. How could these processions justify the continuance of the Apprentice Boys' processions when they were not in existence in '48?—I mean of late years, they have increased them.

4542. There was no Fenian procession at the time I say, '48?—No.

4543. Then there was nothing at that time that would account for them?—No.

4544. Mr. Commissioner MURPHY.—Was there, what Mr. McLaughlin refers to, some years ago, an exertion made by some gentlemen, concerning in opinion with Mr. McLaughlin, to put an end to those processions here?—There was a number of gentlemen around before the magistrates on the occasion of one of the anniversaries, but I can't recollect what happened to them.

4545. Mr. McLaughlin.—I believe that was the time Mr. Major, &c., was sent down to preside?—Yes, it was.

4546. Mr. Hayden has just reminded me—do you remember about twenty years ago, that there was another procession instituted against the Apprentice Boys, when the Grand Jury threw out the bills?—I think I do.

4547. That was in Dr. Miller's time?—I think so.

4548. It was a procession at the time of the Goulson business?—Yes.

4549. The election, you say, tended to increase public feeling?—I think it did increase it.

4550. I may ask you with respectful respect, and not as a matter of discretion, whether you still persist in saying that if the Catholic party thought fit and proper to march in procession through the city on the 17th of March, they would be allowed by the authorities to do so?—I do. I can't, of course, say what the magistrates would do, but it is my opinion that they would be allowed.

4551. Supposing now, Mr. Gregg, that next month was March, and that we were now in the month of February, and that it was known the Roman Catholics intended to march in procession on the 17th of next month, do you believe they would be allowed?—I think they would. I do not know why they should not.

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4552. Nor I either. But supposing they would, would you like to see them do it yourself?—I would not have the slightest objection, so that they did not break the windows. That was the only thing got them kept out. They never could go through the town without smashing the windows. I recollect myself that, at the time of the election, I was standing in the street talking to a gentleman, when one of them deliberately fired a revolver at a window, and I saw the shot going in through the window and smashing it.

4553. That was Clarendon-street, I believe?—It was.

4554. Clarendon-street had no existence when the map which I produced in court was made?—I did not see it.

4555. I believe outside the walls at one time was all a swamp?—It was.

4556. And if Clarendon-street was there now, that could not be properly called breaking glass inside the walls?—Certainly not.

4557. As you mentioned this matter now about the breaking of windows, do you happen to know that the first breaking of windows, in connexion with the election, was the breaking of the windows of the Corporation Hall?—I do not know.

Mr. Commissioner MURPHY.—We heard it was, you know, and it is on the notes.

4558. Mr. MacLaughlin.—Supposing now that you heard Mr. MacPherson state his windows were broken by the Apprentice Boy party, what would you say?—I heard Mr. MacPherson state it, but I did not see it done myself.

4559. But, if Mr. MacPherson did state it, would you have any doubt of it?—Certainly not; if he stated it I would have every reason to believe him.

4560. I think you were asked by one of the Commissioners whether you could form any estimate of the opinion in which the local police are held?—Yes.

4561. And, I think, then you were asked whether there did not exist—rightly or wrongly—a feeling among the Roman Catholic population of dissatisfaction with the police, and of want of confidence in their impartiality?—Yes, I was; but I knew nothing of that.

4562. You did not know anything of that?—No, I did not.

4563. You read the evidence given at this inquiry up to the present?—Yes; I did.

4564. And, I suppose, the expression of that feeling came upon you by surprise?—Well, it did.

4565. And with equal surprise, I suppose, the statement, testified to by Mr. Casey—as to these displays being regarded by Catholics as offensive and insulting—came upon you?—I did not say that.

4566. I thought you did?—No.

4567. And what was the opinion that came on you by surprise?—I think it was the statement with reference to the police and magistrates I said came upon me by surprise.

4568. Mr. Commissioner MURPHY.—I put that question to him in consequence of what Mr. O'Neill said about the different treatment.

4569. Mr. MacLaughlin.—But the evidence, as given here before the Commissioners, about the processions being regarded as offensive and insulting, do not come on you by surprise?—No.

4570. That matter then, as to the city police, you say, comes on you by surprise?—Yes; I never heard any objection to them before.

4571. And I suppose, as a means of explaining a question put by the Court, as to the Apprentice Boys being connected with the police, you know nothing of that either?—No; I have not been connected with the Apprentice Boys or their council for a good many years—I think since 1865—and I never heard of any complaint being made to the Corporation, that there were members of the municipal force connected with them.

4572. Mr. Commissioner ERRAM.—How long is it since you ceased to have connection with the body?—I think about 1860 I ceased.

4573. Mr. MacLaughlin.—But I would say you

know more or less about them yet?—Nothing whatever.

4574. Nothing whatever?—Nothing whatever.

4575. At all about their proceedings?—When I left them I gave up my connection with them entirely, and that was in 1860.

4576. But I suppose you saw the newspapers from time to time?—I saw the newspapers certainly.

4577. Slip of paper handed to the witness by Mr. MacLaughlin.

4578. Mr. MacLaughlin.—Look at that?—I don't know anything about that.

4579. Would you be surprised to hear that one of the sons of the gentleman whose name is on that paper is an officer bearer in that club?—I was not aware of it.

4580. Would you be surprised to hear it though?—Well, after all we have heard, it would be hard to say what would surprise me, but I assure you I have not for many years even before I gave them up, attended meetings of the Apprentice Boys.

4581. Second slip handed to the witness.

4582. Mr. MacLaughlin.—Just look at that?—I don't know him at all.

4583. Did you ever see the name signed to any public declaration?—I saw a name signed the other day.

4584. And that name corresponds to the name there?—Yes, but I don't know him either personally or otherwise. I don't think I would know him if I saw him.

4585. Third slip handed to witness.

4586. Mr. MacLaughlin.—Now, there is a single name?—I never saw him or heard of him. There is no such man now in the force. I don't know him at all. I know very few of the present Apprentice Boys. They are changed since my time, and for years past they are all nearly a set of strangers to me.

4587. Mr. Commissioner MURPHY.—I suppose the fact of these men being selected from the neighbourhood of the city, and living in the city when they join the borough police, would render it nearly impossible for them not to have connection of some sort with the Apprentice Boys unless there was a positive rule against it, and I suppose there is not?—Not that I am aware of.

4588. Mr. Commissioner MURPHY.—I know among the constabulary there is a rigid rule against their being connected with any society.

Witness.—The city police are not allowed to join any body at all.

4589. They are not?—No.

4590. Mr. MacLaughlin.—I suppose it is true what Mr. Ferguson said—he succeeded you, and now holds the position you formerly occupied?—Yes.

4591. And I suppose what he says is true—that there are no members of the police members of the Apprentice Boys' Society?—Oh, yes.

4592. You said they are not allowed to join any society?—Oh, yes.

4593. Supposing now a man was a member of the society before he became a policeman, you would not require him when joining to produce any evidence to show he was not a member?—I don't know anything of that kind at all.

4594. With regard to the list of names I handed you up, the description of one of the men has been since given to me. Perhaps that would refresh your memory (paper handed to witness)?—I recollect a young man about twenty years of age at that time.

4595. How long did the city police in existence?—Since about '49.

4596. Was he an Apprentice Boy?—I recollect a person of that name.

4597. You were in court when I examined Sir Edward Reid?—I was.

4598. And you were kind enough to set me right as regards something about the magistrates?—Yes.

(Slip of paper handed to the witness.)

4599. Can you distinguish in that list the names of these magistrates who are absent from those who are not?—The first is James Murray, then George

Tonkins, Joseph Ewing Mullen, Alexander Lindsay, Henry Dawson, Bartholomew McCorkell, John Mahan, William Finlay Biggar, John Hamilton, John O'Neill, William John Foster, William Tilbe, Samuel Seyth, William Dyant Porter, William Thompson, Sir Edward Reid, Adam Hogg, William McCrorie.

4630 Now read the names of those magistrates whom you know to be absent?—George Tonkins and Alexander Lindsay.

4631 You see the name of the brother of the Recorder. He is a Catholic?—I do.

4632 Why didn't you put the word absent after his name?—Because I do not know whether he is absent or not. I saw some time ago that he sat at Petty Sessions.

4633 Well, now, I will take the case of Mr. Lindsay. He does not live here, but you would know him if you saw him?—I think so.

4634 When did you see him? Did you see him at the last Assizes?—No.

4635 At the Election?—No. I am not sure, I might have.

4636 Perhaps I am wrong. I may be confounding some other gentleman with him?—I don't think Mr. Lindsay should be ranked as a resident. I have not seen him for some time.

4637 Let me ask you in Mr. Dawson a Conservative?—He is what is called a Conservative, but sure there are none now.

4638 What name would you give them?—I do not know how to style them. There is nothing to conserve, and I don't understand either Liberals, Tories, or Conservatives at all, but I will give the popular opinion, if you like.

4639 I may take it, I suppose. I won't ask a word about anything else.

Witness.—I'll answer anything you like.

4640 Mr. McCorkell.—Well, now, from your extraordinary knowledge of the city, as town clerk, and from your knowledge of the magistrates, and corporation, and the state of public feeling, do you think that any effort, if matters remain as they are, will be made at the next anniversary to prevent the celebration?—Not so far as I know.

4641 Not so far as you know?—No.

4642 Do you think the peace of the city will be secure if there is any display?—I should say, as I said before, I think it would be better to have no public display anywhere.

4643 And you would put down bands, too, I suppose?—I would, and I have said so for years.

4644 You did not say so at the time you directed the Apprentices Boys?—It was my opinion for many years, but I was overruled. I was at few meetings of them for many years.

4645 Now, there is only one other question that I will ask you, and I ask you that because of some explanation you were kind enough to give me when examining the last witness. Mr. James Murray, I fell into the mistake of believing was President of the Apprentices Boys?—He never was. He was often asked but he always declined it.

[Mr. Ferguson said that when Mr. Murray declined the presidency Mr. Hunt was appointed, then Mr. Lindsay, and within the last three or four years he had himself presided.]

Witness.—There is one thing I wish to say with respect to the city police before I go down. Of course they were never intended as a force to suppress riot and preserve the peace of the city. They are really a force only to prevent robbery and drunkenness in the city, watch markets, &c. Men like them, undisciplined and unarmed, cannot be supposed to be able to resist any mob violence.

4646 Mr. Commissioner REIDAN.—They are, in the case of any disturbance of the public peace, to do their best, and call on the bystanders to assist them. Have they the power to call for assistance?—Certainly, and they were never intended to supersede the constabulary force. I understood they were merely to assist them. The small number of police we have is merely to keep order in the city.

4647 Mr. McCorkell.—Mr. Lindsay's name has been mentioned. Now in that letter [letter produced] in Mr. Lindsay's handwriting. It is a letter in which Mr. Lindsay begs of the Apprentices Boys not to persist in not firing the cannon on the occasion of the Prince of Wales's marriage?—I think it is Mr. Lindsay's handwriting.

be merely an auxiliary force to the constabulary, and to perform the ordinary duties connected with the town?—So I understood—to look after the markets and things of that kind.

4648 In that view I ask you—is it from any feeling of dissatisfaction at the conduct of the local force you think it desirable to have the police duties done by the constabulary?—It is not. I believe they (the local force) do their duty well enough, but they were never intended to act in cases of emergency at any time, beyond keeping the peace as well as they could, and I do think it would be well to have one force.

4649 Did you ever consider the question at all as to the number that would be necessary for Derry?—No I did not; I never went into that question at all.

4650 Mr. McCorkell.—You are here only as solicitor to the corporation?—That is all.

minutes of evidence. In the case of the Queen at the presentation of Arthur Willoughby Stafford v. James Barker, the prisoner was brought before the magistrates on the 26th of July, 1869, the charge against him being "that he the defendant did shoot at and kill one William Craig near the end of Bishop-street, on the 23th of April, 1869," and the ruling was that the informations should be returned for trial to the next

REVEREND BAX.

August 25.

James
William
Grogan, Esq.

James
Hayden, Esq.

James Hayden, Esq., Solicitor to the Corporation of Londonderry, examined by Mr. Commissioner REIDAN.

4648 The local force is appointed, as the town clerk has stated, under the 10th & 11th Vict. cap. 89?—So I understand.

4649 Before this Act was in force you had constabulary?—I cannot tell you very much about that. I became solicitor to the corporation about 1866, I think, and previous to that I knew very little of the working of these things. I was a member of the corporation for some time, but I knew very little of the constabulary.

4650 At all events you know a good deal about Derry yourself, and it is desirable we should have the benefit of this acquaintance. Do you, as an individual, concur in the opinion that it would be desirable to have one consolidated force for the city of Derry?—Oh, yes, certainly. I remember advocating that when a member of the corporation, many years ago, before I became their solicitor.

4651 In fact, I believe that force was intended to

Mr. William Warrack, Clerk of Petty Sessions, examined.

Mr. William
Warrack.

Mr. William Warrack, Clerk of Petty Sessions Court, Derry, at the request of the Commissioners, produced the informations in the case of James Barker, and also the Petty Sessions books. After the Commissioners had perused the informations and inspected certain entries in the sessions books—

4652 Mr. Commissioner REIDAN said.—It is necessary the statement I am about to make should appear on the

EVIDENCE.

August 23.

Mr. William
Wardell.

assault, and the prisoner was admitted to bail, on the same day, himself in £200, and two sureties in £100 each. On the 2nd of June, 1869, ten of the constabulary were brought up before the magistrate, the charge against them being "that they on the 29th of April, '69, at Londonderry, did recklessly, unlawfully, and feloniously kill and slay Robert J. Moncrieff," and the ruling of the magistrate was that the information should be returned for trial at the assize, and the defendants to enter into their own recognizances to take their trial at the next Londonderry assize.

4636 Mr. Commissioner KEENE.—State from your book how many persons were brought up for assaults on the police on the night of the 9th of February, the night of the judgment of the election petition?—Sixteen were brought up on the 18th of February, 1869. I have here "James Quigley, James McNally, and George Miller." The defendants were charged "that they on the night of the 9th of February in the city of Londonderry, with divers other persons, to the number of three and more, unlawfully and riotously assembled to the disturbance and terror of her Majesty's subjects, and did then and there assault and wound, and did aid, abet and assist in the assaulting and wounding of divers members of the constabulary force when in the execution of their duty." Damned without prejudice.

4637 Mr. McLaughlin.—You are the Petty Sessions clerk?—Yes.

4638 Who were examined?—Constable Patrick McDonough, Constable Thomas Reilly, Constable Thomas Hallentine, and John Barnes.

4639 Did those men identify the parties charged, or did they fail in their identifications?—I think they failed in the identification. I can look as to that. I have the whole of the evidence in another place.

4640 I may take it that it was so?—I don't think they could identify any of them as having thrown stones.

4641 Mr. Commissioner KEENE.—Tell me the charge against the men who were fined 2s 6d each for the affair at the Toll-bridge?—The charge was for getting through the toll-gate without paying the toll.

4642 Was there no charge of assault upon his men or himself?—The toll-keeper had a charge of assault against one or two, but he withdrew it.

4643 And the fine was only for what you say?—The fine was only for passing through the toll-gate without paying.

4644 There was a man named Doherty charged for something that took place on the 13th of July, what was that?—He was fined 10s.

4645 What was the charge?—Here it is. He was charged by William Bailey, late Head Constable, and it was tried on the 22nd of July. The charge was "being one of a disorderly mob, and throwing stones and assaulting and aiding and abetting the assaulting of divers persons at Corbush-road and Ferryquay-street, 13th July." Fined 10s. The police were examined against him—Hamilton, Davis, Wilson, Campbell, and another.

4646 Mr. McLaughlin.—There was no charge of stealing there?—No charge of stealing.

4647 Mr. Commissioner KEENE.—What was the case of McDonough and Wright? Was there a charge of assault?—It was a summons. Michael McDonough summoned Thomas Wright for an assault, and he was fined 10s.

4648 What was the nature of the assault?—I think it was giving the complainant a severe wound on the head. I think with a knife. Wright, I think, had a cut on his head, too.

4649 Mr. McLaughlin.—How long have you been in your present office?—Since the 10th of December, '68.

4650 I believe your father for a long time filled the office before you?—Yes.

4651 But you, for a good while before your father ceased to be officially clerk of Petty Sessions, were

acting, as you know all about the duties?—Yes, I was for a number of years.

4652 Do you remember a charge brought on the 13th of the month against persons of stone throwing at the city police?—Yes, that was on last Thursday.

4653 I suppose that would be the Petty Sessions day following the 13th?—I think so, the 19th.

4654 Look to the book corresponding to that period?—I have it here. "Hugh Reilly, City Constable; Samuel Doherty, Francis Kelly, Hugh Doherty and Charles Kelly; that the defendants at Bishop-street, on the 13th of August, being members of a disorderly and riotous mob, did aid, abet and assist, divers persons, in assaulting complainant in the execution of his duty, by throwing stones at him in the public street, and in that case the constable was fined 4s.

4655 Was that constable Reilly?—Constable Hugh Reilly.

4656 He is a city constable?—Of course. Then there was a man, writing out of that, of Reilly against Samuel Doherty.

4657 Tell us about that?—Hamilton, Davis, Pat McGowan and others.

4658 What was the evidence?—Anne Haggerty and Ellen Doherty came and swore that Hugh Doherty was in his own house some time about the hour of the offence, and two constables directly swore he was in the place. That was the state of the case.

4659 Mr. Commissioner KEENE.—What became of the case?—They were all fined 10s., and 2s 6d costs, and the constable was fined 3s.

4660 Who were the magistrates?—Sir Edward Ross, Mr. Thompson, Mr. John O'Neill and Mr. Hamilton.

4661 Mr. McLaughlin.—The magistrates did not believe the affidavits?—No; I believe Ellen Doherty was a sister of Hugh's.

4662 And therefore she could not tell the truth?—Affection predominated and took the form of perjury.

4663 Was a man named Howley examined?—It was only Miss Haggerty and Miss Doherty proved the able for Hugh Doherty.

4664 Did you see Edward Howley examined?—No, I did not see him—I beg your pardon—I did, he was examined on behalf of a man named Daniel Berman.

4665 Was Pat McGowan examined on behalf of Samuel Doherty?—He was. He swore he was not in the mob but at John Robinson's.

4666 And the result was that the magistrates believed nobody but the city constables?—They fined the parties 10s.

4667 The evidence against them was that of the city constables?—It was.

4668 No civilian was examined?—Not on behalf of the constables.

4669 And any civilian examined against the constables might as well have stayed at home so far as regarded the result?—Not answered.

4670 Was there a city constable of the name of Thompson who gave evidence against these people?—There was.

4671 I suppose you know from your experience the city constables well?—Pretty well. I have sometimes to transact business with them.

4672 Mr. McLaughlin.—It is only right to say that Mr. Crawford suggests that there were civilians examined in assistance of the evidence given by the city constables.

Mr. Crawford.—I was in the case; Elizabeth Galbraith and Thomas Mooney were examined.

Witness.—That occupied my mind.

Mr. McLaughlin.—It is only fair to have that stated. But we will now go to the next case.

Mr. Commissioner KEENE.—What do you propose to prove by this inquiry?

Mr. McLaughlin.—That in a much more serious case a smaller fine was inflicted.

Mr. Commissioner KEENE.—How can we enter into that?

Mr. Commissioner EXHAM.—Sir Edward Reid and Mr. O'Neill connected in the fine of 10s and the fine of 5s.

Mr. McLaughlin.—With great respect that is assuming the fact. We say Mr. O'Neill, so far from assuming, did not.

Mr. Commissioner MURPHY.—Suppose he did not. Any general evidence you give as to dissatisfaction felt by one portion of the community is very material. But the idea of putting the magistrates on their trial, in relation to every little case in the petty sessions book, would never occur to us.

Mr. McLaughlin.—I did not produce the petty sessions book, or the witness.

Mr. Commissioner MURPHY.—We produced him; for it was very important to investigate fully the allegation—a very serious one—that, in a case where the charge was wilful murder, had been accepted for the accused. It appears now on the information that that was not so. Of course on the information you might say “I will not bail that man, I think the offence charged is wilful murder,” another man might say “I will bail him, I do not think this is a case that ever could be called a case of wilful murder,” and if I myself were called on to give an opinion, on reading the information, although I might say it was a case of aggravated manslaughter, I would say a jury would never find the accused guilty of wilful murder.

Mr. McLaughlin.—I have no hesitation in saying, as one who knows something of criminal law, that that is my opinion too.

Mr. Commissioner MURPHY.—If I, as prosecutor, had to put the man on trial, I would never put forward a case of wilful murder, I would put forward a case of manslaughter. Although in law the charge of wilful murder is not sustained, still it may have been imputed to have accepted bail, but then the magistrates were at liberty to exercise their discretion, and they did take bail—bail of a very substantial character—the accused in £100 and two sureties in £100 each.

Mr. Commissioner EXHAM.—The reason why we colored into this matter was this. I confess I was very much struck by the statement that in a case of wilful murder, and against the recommendation of a resident magistrate of the experience of Mr. O'Donnell, the magistrates admitted this man to bail, although informed they had no power to do so. My mind was greatly affected by that allegation, and I was most anxious to have the real facts of the case before us. I understood that the man was committed for wilful murder by Captain Cooke, and I certainly was astonished that, after the commitment, the man should be bailed, against the opinion too of Mr. O'Donnell. I was greatly impressed by it, and I confess it would have weighed very much indeed with me in the view I would take of the conduct of the magistrates. I say that most candidly and fairly. Well, the matter has been investigated, and I am very glad it turned out otherwise. It relieves me in a part of the case upon which I would have felt extreme difficulty. For what could I think, if it were the fact that magistrates, in the face of a caution that they were doing an illegal act, did deliberately do that illegal act?

Mr. Commissioner MURPHY.—We believed the facts could be established by the record of the petty sessions book and the information, and therefore we availed ourselves of the opportunity to look into them to satisfy our minds on the matter. But, as to saying that we should inquire into every petty case of assault tried before the magistrates, and consider the amount of fine imposed in one case and in another, that is a matter we could not put of entering on at all.

Mr. McLaughlin.—A word or two if you please. First as to the case of Becker. I am sincerely gratified that the Commissioners have referred to the records to see exactly what is the nature of the charge against the man; because the result does certainly put the conduct of the magistrates in a light

somewhat different from that in which it was previously regarded. There is no doubt, as Mr. Commissioner Murphy has stated, that upon the facts stated in the information, one man might say the charge should be wilful murder, and another that it should be only manslaughter, and I repeat what I said before, that as a lawyer, knowing something of criminal law, if I were prosecuting, I could never think of putting the man on trial for wilful murder. I would indict him for manslaughter. So far as that goes I am at one with the Commissioners; but with respect to the last observations of Mr. Commissioner Murphy, where he says, and properly says, that we are not here to go into petty cases of assault heard before the magistrates, or into cases heard on a particular day, while I agree with that, I must remind him that Mr. Commissioner EXHAM thought it right to ask the witness, when he was in the box, as to what occurred before the magistrates in relation to the cases of the 26th December, 1868, which certainly had proved false nothing to say either to Becker's case, or to the other cases of the 26th of April, 1869. Therefore, if I am not, I stand with a precedent.

Mr. Commissioner EXHAM.—The reason why I asked about the 26th of December was, that the fine being only 5s. 6d., it might be material to know whether the parties were charged with an assault, besides evading the toll. It appears they were not charged with assault, and only with not paying the toll.

4663. Mr. McLaughlin (to witness).—I do not ask you about the principles of the magistrates, or their political views, nor as to individual cases; but I ask, must ask you, what is about the average bench of local magistrates at petty sessions?—I think the average is about six.

4664. About six?—I think so, five or six.

4665. What is the largest number you have occasionally seen on the bench?—Well, at the time of the attack on the Corporation Hall we had the largest number. I think we had thirteen or fourteen. I remember Mr. Hackett had to come and sit beside me at the dock.

4666. Was there a large bench on the occasion when Mr. Ross appeared on behalf of the relatives of Moorshead at the inquiry into the occurrence of the 29th of April?—Yes, we had a pretty large bench, but not so large as the previous one.

4667. Now, who were the magistrates that most constantly attended during the last six, or say twelve months?—I would say the late mayor, Dr. Holington, he attended very well.

4668. Before he was mayor?—He did, and Mr. John O'Neill, and Mr. Hamilton, and Mr. Thompson. He does not attend as frequently as he did before.

4669. But I believe the regular, steady, working bench; you were sure to have at all times, and under all circumstances, were?—Mr. Darius was very regular at petty sessions.

4670. But these four would be the stock company, so to speak?—Well, I think so. Sir Edward Reid used sometimes turn up at sessions.

4671. That is since he was appointed a magistrate?—He was very attentive during his year of office.

4672. Have you often seen another gentleman, Mr. Tilbe? I believe he is not very often there?—Indeed, we have not had much of his company.

4673. Have you seen him often since on the bench in your life?—I would not like to say the number of times.

4674. Mr. Tilbe has one of the largest businesses in town?—I am happy to say he has.

4675. Dr. Miller has extensive professional engagements; he was not very often on the bench, was he?—Well, not previous to his being mayor.

4676. Do you remember saying that at the Corporation Hall inquiry there was a very large bench?—Yes [a folded paper was handed to the witness].

4677. Do you know the constable whose name is there?—I do.

4678. Turn the other fold of the paper. Do you

SEVENTH DAY.

August 26,
—
Mr. William
Warwick.

know the gentleman mentioned there?—No, I do not know him.

4673. Did you ever see that name signed to a public announcement of any body—as secretary, or anything of that sort?—I did not. I do not pay much attention to those things.

[A second folded paper is handed to witness.]

4680. Do you know the gentleman on the first line there?—I do not.

4681. Do you see the other three names there?—I do.

4682. The eldest of these would be son-at-law of a real property?—Yes, I think so.

4683. Do you know whether you have seen the persons bearing these names in public processions, or anything of that kind?—I could not say, one way or the other.

4684. I will not ask your belief?—I have seen one of these—a son of his.

4685. One of them. He is an Apprentice Boy?—Yes.

[A third folded paper is handed to witness.]

4686. Look to the first name there. Have you ever seen him in any of those things?—Well, I don't recollect.

4687. Is he still regarded as one of them?—Well, I look upon him myself as one, yet I have no substantial ground for believing it.

4688. In point of fact some of the members of the city police. On the strength of those papers would you not say so?—I do not know that I would.

4689. It almost follows from the paper, does it not?—I would rather not answer that question.

4690. Mr. Commissioner ENRIAM.—You have only

one day as petty sessions, and, once a week?—That is all.

4691. About how long is the average sitting?—It is about from eleven o'clock till one, that is the average sitting.

4692. Do you not think there should be more frequent sittings?—Well, indeed, it would facilitate business greatly.

4693. And if there was a resident magistrate here he would have ample time to sit a second day during the week?—Yes.

4694. I mean that other gentlemen would not be taken away from their business, while he would have nothing but his regular duties to perform?—Yes.

4695. I presume when you say the magistrates are only required from eleven o'clock till one o'clock once a week, that is for the ordinary business?—The ordinary business does not occupy more than two and a half hours each petty sessions day.

4696. Some of the magistrates assemble each day in the week to try prisoners?—That is merely for cases of drunkenness, parties taken up during the night by the city police.

4697. If a stipendiary came here he would be able regularly to get rid of those cases every day?—The late mayor was very attentive in the discharge of his duties with respect to the cases to be tried at petty sessions, and Mr. O'Neill and Mr. Hamilton always assisted him.

4698. There never was any lack of magistrates to do duty in that respect?—No.

4699. No man was kept in custody an unreasonably long time?—No.

The Court then adjourned till the next morning.

EIGHTH DAY.

August 26.

James
William
Gregg, esq.

James William Gregg, Esq. Town Clerk of the city of Londonderry, was recalled and said—

I want to correct a date I gave yesterday.

4700. Mr. Commissioner ENRIAM.—What date is that?—The date which I should have given yesterday, when the celebration was suppressed by Dr. Miller, was 1851. I confounded it with a previous year when he had been mayor.

4701. We forgot yesterday to ask you one thing—I believe the fact is so, but it is better to have it on our notes—one the Municipal and Parliamentary boundaries the same here?—They are, since the passage of the late Act extending the Parliamentary franchise; that Act made both the same.

4702. And what is the valuation now?—The rateable value, for municipal purposes, of the city of Londonderry, is £52,383; but there is a certain portion only liable to one-third rates and, when you take off that, it reduces the rateable value of the property to £34,900, and, on the other hand, there is unoccupied property to the average of £4,600 not rateable, as present it is £4,500. So that we may take the valuation probably at about £39,500 in round numbers, or very near it.

4703. Mr. J. Longfield.—Does that estimate refer to the new borough?—It does, this list was returned to me last April from the Valuation Office.

4704. Mr. Commissioner ENRIAM.—I think we have it there you also that £1,500 is the maximum that can be spared from the rates towards the police?—It is, decidedly. Then I made up a calculation as to what the constabulary would be likely to cost, according to the idea of the corporation. I do not know whether you may be desirous I should give it to you.

4705. Oh, yes, what does the present force cost?—The present force costs us £1,500.

4706. It does?—Exactly; sometimes a little under it, but that is the average. And what we calculated

then, or rather the calculation of the corporation the other day, was that if we got fifty constables, one society, twenty-five, would be £1,350. Then I was calculating that if we had to pay as they do in Belfast, 6d per head, and I should think that twenty-five constables ought to do the duty very well that is at present discharged by sixteen local men—indeed I should think one constabulary man is equal to three or more local men, probably half a dozen—if we had to pay that, it would cost us £325 more; and then if we had to pay for a Sub-Inspector £300, or say £400 for all, that would bring up this expense to £1,675; and then it would take £300 a-year to pension the city police force.

4707. And that would make it £1,900 a-year?—Yes; I am afraid it would take that, on looking over it.

4708. Then is that £1,900 which you propose, exclusive of the pensioning of the men?—Oh, certainly not; I do not think the taxation could admit of more than £1,500 a year.

4709. Then the corporation would take upon themselves the pensioning?—Well, I should be afraid that they could not afford it out of the present rates.

4710. Because, you know, the resolution of the corporation is that the police are not to cost them—that is, the new body—more than £1,500, and we should know distinctly whether that is not to be exclusive of any pensioning at all?—It just exactly, I was calculating yesterday, takes 6d. in the pound to raise £1,350, so that if there was an Act brought in, and if it was the wish of the citizens that there should be an extra police force in Derry—and some of them stated in evidence that they would rather pay additional taxation for the purpose—about 6d. in the pound would cover it. I have seen it stated by several respon-

table-officers here that they were quite willing to pay an additional rate.

4711. Mr. *McLaughlin*.—Do you think that there would be a general conformity to such a rate?—I have heard strong opinions against it, but I have it stated in evidence here, and that is the reason I remarked it.

4712. Mr. Commissioner *ERNE*.—Is that £1,500 to be taken as the clear available sum from the rates as they at present exist, for paying the police?—The rates would not admit of paying the additional £300 a-year, the present rate of pension.

4713. Then, was it by that resolution of the corporation intended in any way, or did the corporation understand by that resolution, that provision was to be made for the local men, out of that £1,500 a-year, by way of pension?—All was taken into account.

4714. If you calculated £300 a-year for pensioning the existing force, that would only leave £1,200 available?—That is all.

4715. And that makes a great deal of difference?—But that was giving us fifty men, and some of the corporation consider that forty could discharge the duties well.

4716. That is equal to twelve men extra?—And then if we had our proportion, as they have in Belfast, for instance—where there is a population of 150,000, and where they have 180 men for nothing—our proportion in Derry, where there is a population of 30,000, would be twenty-six free, which would make a great difference. I may say that there are only twelve constables at present free in Derry, so that if they gave as even twenty men free, you will see the difference it would make.

4717. Mr. *McLaughlin*.—Would not the proportion of the city constabulary be more now than it was before the city boundary was extended?—I think it ought to be; but then there were no men allotted in the Act of Parliament to the city of Derry at all, it was for the county, 150 men for the whole county; and in 1865, when they were passing this Act, which I handed up yesterday, a memorial was sent to the Government, to Sir Robert Peel, requesting them to give a proper force to the city of Derry, in this Act of Parliament, in the same proportion with other places; and they utterly repudiated the idea, and said that we did not require it, we were so peaceable.

4718. There was nothing expressly alluding to the city proper or any particular amount of constabulary?—Nothing whatever in the Act of Parliament.

4719. So that after the extension of the boundary, taking in some of what was formerly in the county as constituting the city, you should be entitled to the constabulary that were formerly appointed to the part of the county which is now the city?—I think we ought to have it. I may mention that some time ago there was a question raised here whether there should not be an additional constabulary force placed at Pennyburn, which was rather a troublesome district before the Act was passed, extending the city boundary; and at that time we were unable to get that additional police force.

4720. Now the part you speak of as Pennyburn is included within the city boundary?—Yes.

4721. Now, what proposition, may I ask, does the part, added by the recent Act of Parliament to the city, bear to the city as it previously existed?—It takes in a very large area indeed.

4722. One-third?—I cannot say what it is, but I would not say one-third in population; it is a great deal more than one-third in size.

4723. And particularly the north-western portion, is that beyond all doubt the most improving part of the city?—It is, decidedly; up towards the strand.

4724. And up towards the asylum?—Certainly.

4725. Now, the description of houses erected there is beyond all question the most valuable?—The most valuable.

4726. A very superior class of houses?—Very superior indeed; and also the Waterside.

4727. Now, as regards the character of the additional ground taken in within the city boundary on this side of the water, I believe it corresponds, as regards the very valuable character of the houses and the improving character of the district, with the portion taken in on the Waterside?—It does, decidedly.

4728. And inasmuch as the rates that put the Corporation in funds, or at least one source of revenue here, is a poundage rate, of course the more valuable the property the larger the rate?—Certainly.

4729. And, I suppose, the same amount of watching and police attention, properly so called, would do for a large house as a small one—there would be no greater difficulty in keeping the peace in a large street of first-class houses than there would be in a small one?—The force was increased after the passing of the Act, considerably.

4730. Mr. Commissioner *MURPHY*.—What Mr. *McLaughlin* says, and very fairly so, that there would not be a proportionate increase in the police force necessary for the districts in the improving part of the city?—Oh, certainly; but the repairs of the roads swallow up a large portion of the rates of these districts. Our portion of them only pays a one-third rate.

4731. In consequence of being more than 100 yards beyond the public lamps?—Yes.

4732. Mr. *McLaughlin*.—But have not the lamps been a good deal extended down the Strand-road of late?—They have.

4733. And the effect of that?—I will not say what the object of it was,—to make the houses thereabout subject to the borough-rate?—Yes, certainly, and to light the place.

4734. Now, you say that a great deal of the borough-rate, in respect of these new houses, is swallowed up by the formation of the streets and keeping them in repair?—No, but in the roads outside the lamps.

4735. But, of course, that is only a temporary source of extra expenditure?—Oh, no, it is a continued one, and a very heavy one.

4736. But you do not take charge of the road until it is properly formed?—Certainly not.

4737. Till your City Surveyor certifies that it is properly formed?—Yes.

4738. And when it is properly formed, and when in the course of a year or two it is thoroughly consolidated like other roadways, the same necessity for extra expenditure would not exist?—Well, the rebuilding is a very heavy portion of the one-third taxation; and we have got some of the roads in wretched order from the county.

4739. And your remark extends so far as the repairing of the roads, to the property more than 100 yards from the public lamps, and consequently subject to only one-third taxation?—Yes.

4740. And, therefore, if the land is made valuable for residence, by the erection of houses, there would be a resulting necessity for lamps there?—Certainly, but there are some places that will never be built on in the city.

4741. He would be a bold man to prophesy that?—At least not in our time, at all events.

4742. That is a very serious opinion, coming from a man in your position?—I think there are some by-roads not likely to be built on.

4743. Now Clarendon-street is one of the best streets in the city?—It is a very good street.

4744. And the Bogside property, as called, if there is anything proper about it, that is, Falsen-street, from Becker's gate down to Fox's corner there—that is about one of the lowest streets in the city?—It is.

4745. Now the taxation coming from Clarendon-street would be immensely greater than the taxation from the corresponding extent of street in the Bogside quarter?—Of course it would.

4746. The income would be greater; now, confining your attention for a moment to the expenditure applicable to the preservation of the peace, would not it

Extract from

August 26.

James
William
Glegg, &c.

EXHIBIT D.

August 18.

JAMES
WILLIAM
GREGG, Esq.

require a greater force to preserve the peace in the lower district than it would in Clarendon-street!—Oh, I think so.

4747. So there would be a greater yield of taxation, and would the police expenditure a smaller necessity for outlay, would not that be?—Yes.

4748. Now, coming to the question of the probability of certain ground being built upon, I suppose you are old enough to remember that the lower part of Clarendon-street was not only a meadow, but there was absolutely a river there!—I remember that I could not pass it when going to school sometimes.

4749. Unless you swam part of the way?—Yes.

4750. And I believe these substantial houses at the foot of Clarendon-street, one of which is occupied by Mr. Hogg, of the shirt factory, were originally built on piles!—I am not sure of that; it was a very swampy place, I do not know how it was built.

4751. Now there are several other ranges of houses on the seaward side of the Strand road as you go down to Penryn-bar—Mr. Clement's range, and other large houses!—Yes.

4752. And these are subject to borough rate at present!—They are.

4753. And are not these, in point of fact, built upon what was the mud-covered sea shore there!—Yes.

4754. Now does not the level and of the public quays in that direction take a bold sweep seaward!—Yes.

4755. As an embankment!—Yes.

4756. Down towards Clement's and the Graving Dock!—Yes.

4757. Now, between the new houses on the seaward side of the Strand-road, as I have called them, the houses that are near the roadway—between those houses on the seaward side of the Strand-road and the embankment that forms the quays down to Clement's mill—there is a great deal of unoccupied property there at present, is not there!—There is.

4758. And on some of which the water flows!—Some of which the water flows into.

4759. And I think goes out again!—I do not know whether it flows in and out or not, but there is a large vacant space covered with water.

4760. And is there not an immense space there that would be available for building ground!—Yes.

4761. The reason I have drawn your attention to that, particularly with regard to the formation of the land there, is to ask your attention to the other extreme of the city, out towards the pond!—I know.

4762. The Londonderry and Rathfriland Railway takes rather a bold sweep there!—Yes.

4763. And there was a triangular piece of ground there, for a long time covered with water, between it and the public road!—Yes.

4764. At present is not there a very large and extensive rope-factory being erected on that!—There is a rope-factory on it at present.

4765. By Alderman McCorkell, I believe!—Yes.

4766. Mr. Commissioner MURPHY—We may take it for granted that the city will increase, as you say, and that there will be a greater available land for the preservation of the peace, with a proportionate increase of police.

4767. Mr. McCorkell—That the ground within the city boundary is likely to be built upon!—There are some places where it will not be built upon, certain by-roads; but the value of property increases about 41,500 a-year in Derry upon the average.

4768. Then the resulting increase of the borough rate would be £309!—Yes, a thousand times four-shillings.

4769. Now that was the average increase for the last five years, I suppose!—Yes, for the last fifteen years, I should say.

4770. Now might I not assume that the spirit of enterprise, developing itself in building, is greater now than it was ten years ago!—Well, latterly, you see, there has been a great deal built upon, I don't know whether it continues, these large factories have considerably increased the value, but, of course, they are not being built now.

4771. I think it might be, perhaps, more or less bearing on the inquiry if I asked you, prior to the imposition of the borough rate in Derry, what particular taxes were imposed upon houses property, or what are the taxes that are now contained in the borough rate!—They were police tax, pipe water tax, and county cess, I think.

4772. No county cess is now paid except a small proportion for the county at large!—Exactly. The taxation then altogether amounted to 3s 4d in the pound only.

4773. So that the borough rate of 4s. in the pound is in excess of that!—It is.

4774. But that itself your maximum of existing taxation!—It is, but, of course, the taxation is now much larger, and houses are now valued, which were not then.

4775. And you think it would require 6d in the pound of an increase to the borough rate to pension the city police to the extent of £500 a-year!—Oh, no; but if you increase the force to 100 men. But I think if we have fifty men to do the duty, and if we get twenty of those free, there will not be the least difficulty at all.

4776. Mr. Commissioner MURPHY—Fifty added to the twenty!—No; fifty altogether. The corporation consider that forty would do the work well; but I think a smaller force of men would do.

4777. Mr. Commissioner EXHAM—Will not that district that pays only one-third of the taxation require watching as well as any other!—Well, I have never known of any disturbances there; it has never been watched heretofore. They are county districts entirely, where there is no police—principally by-roads.

4778. But, if it pays any portion of the taxation at all should not it get its share of watching!—No; the only places watched are those within our lamps. The police do not go beyond our lamps, that is, the city force.

4779. But ought not the new firms to watch the whole of the district!—Oh, certainly, I think it is most desirable.

4780. Then I was thinking, would the police, whether that portion ought not to pay the full tax!—I don't think that it should be expected that a night watch should be charged on county districts where there are no lamps or houses.

4781. The only thing I was thinking was whether that district ought to pay its full share of the police rate with the other!—We cannot make it until it is brought within the lamps.

4782. But by Act of Parliament!—I think it would be most desirable, if that rate was put on for police purposes, that it should pay.

4783. These alterations cannot be made, of course, without an Act of Parliament, and then what I was thinking was this, whether, would the police, if it is to be a thing done for the protection of the whole city, all that is within the parliamentary and municipal boundary should not pay its full proportion of police tax!—I should certainly think so.

4784. Mr. Commissioner MURPHY—Of course, if there is any tax to affect the borough of all, it must be uniform in its operation, and you will have all the places that enjoy the privileges subject to all the liabilities!—Yes; and then with regard to police stations, there should be one, for instance, at Penryn-bar, at the extreme end of the city, and one at the Waterside—there is one there at present—and one in the centre of the town.

4785. Mr. Commissioner EXHAM—The principal one should be in the centre of the town, decidedly, and then there should be out stations.

4786. Mr. McCorkell—What was the date of the Local Act in reference to the apportioning of the city police!—1848.

4787. That was the first Private Act!—Yes.

4788. Mr. Commissioner EXHAM—It is the general Act!—Yes; it is the general Act.

4789. Mr. McCorkell—It was incorporated with our private Act of 1848!—It was.

4790. Is there anything with respect to the financial matter that you have given us such valuable information upon that you would like to add, that I may have overlooked?—No; I think not.

4791. Now, I have got here the flag that I called for yesterday [a large flag was here produced having a white ground with a blue fringe, and in the centre a harp and the words "The Hibernia Photo Band."] Is this the flag that we were speaking of yesterday, that you saw carried through the town?—It looks like it. What I said about their carrying indignation by it was that they did so by carrying a harp without a crown before a member of the royal family. If it carried a crown I should not say anything about it.

4792. You would not say that if this was a harp with the crown over it—No, I would not.

4793. Then I should say, on the whole, that with these colours, instead of being disloyal, the aspect is rather the other way—Oh, certainly; I say nothing about the colours; but I do not like to see the harp without the crown.

4794. Have you ever seen the trade mark of the celebrated linen manufacturers of Limerick, Barber and Company?—No.

4795. Then, it is exactly like that.

4796. Mr. Commissioner MURPHY.—It is a very pleasant looking flag and a very handsome flag. It is a great pity that men associated together during their

hours of labour could not, after their work is over, enjoy themselves in peace and quietness on both sides.

[Maguire, Inspector of the local police force was called] and

Mr. Commissioner EXHAM, addressing him, said—Mr. Maguire, my friend, Mr. Murphy, and I wish to inform you, as you are Inspector of the local police force, that though we do not think it necessary to examine you, as the head of the force here, still that if you should like on the part of yourself, or the men, to give us any explanation with regard to the constitution of the force, or the way they perform their duties, or as to the charges that have been brought against them, of partiality, we shall be very happy to hear you at any time.

Maguire—I am quite willing, but I would rather decline after what I heard, and the Corporation ordered me and the men two days out of court after they decided that we were to be abolished; but I am ready to be examined.

Mr. Commissioner EXHAM.—That is another thing; but we only wish to tell you that if, on your own behalf, or on behalf of the men, you should think it right to give us any explanation with regard to the conduct of the men in the force, while they have been in it, we think it an act of justice to let you have an opportunity of giving us that explanation yourself.

Alderman William McCorker, J.P., examined by Mr. M'Loughlin.

4797. You are resident, I believe, in the city—you reside at the Water-side?—Yes, I live within the borough.

4798. How long have you resided there?—Nearly all my life.

4799. You know it pretty well for the last thirty years or so at all events?—Yes, fifty years.

4800. Now, what is your occupation and business?—I am a tanner and merchant.

4801. I believe you are a large importer of wholesale goods?—Yes.

4802. And I believe you are an alderman and member of the Town Council?—Yes.

4803. Are you also one of the Port and Harbour Commissioners?—Yes.

4804. Are you a Commissioner in respect of anything else—are you a Bridge Commissioner?—A Bridge Commissioner and a Railway Director.

4805. Of the Irish North Western Railway?—Yes.

4806. Now, you are also, I believe, in the Commission of the Peace for the city?—Yes.

4807. The date of your appointment in recent, I believe?—March last.

4808. You were appointed at the same time when Sh. Edward Rod and Mr. Adam Hogg were appointed?—I was.

4809. Now, I suppose as a member of the Corporation, you were and are in favour of the substitution for the city police of the constabulary?—Oh, yes; we were quite unanimous for a number of years. We discussed that question on several occasions, and the Corporation were quite unanimous.

4810. Did the unanimity of the Corporation, with reference to the substitution for the city police of the constabulary, arise from considerations of financial economy or the greater efficiency of the desired force, or what?—From both, of course. We thought it would be better, on account of the great efficiency of the constabulary, and also from considerations of economy. The representation made to us was that we could have the constabulary force cheaper than our local force, and certainly the inhabitants of the city—all with whom I came in contact—have invariably expressed a great desire to have the constabulary.

4811. Mr. Commissioner EXHAM.—Those were people of all creeds?—All creeds and all shades of politics.

4812. All shades of politics and religion?—Yes; in fact there is no question on the matter. We have

amongst the present city force some excellent men, but on the whole I do not think they are an efficient force.

4813. You are a member of the city police committee?—I am.

4814. Do you know whether there exists on the part of the public a feeling, so far as you know the public feeling, that the existence of the city police as a force is desirable?—Oh, certainly not.

4815. I think you stated that for several years there was unanimity in the Corporation as regards the desirability of the substitution for them of the constabulary; when did that unanimity cease?—Well, the only question that was ever raised was at the meeting that was called for last Monday, and there, for the first time, I heard that there was any desire to alter the resolution that we had come to, and the request that we had made of the Government to have a constabulary force. There was a difference of opinion with regard to the extent of the force we should require. I was one of those in the Corporation who thought forty men would be sufficient, and I think there is a large majority of the Corporation in favour of that number—not to exceed forty men. Our present force is thirty-eight, I think, and no doubt exists on the mind of every member of the Council that a force of forty constabulary would be far superior to a force of thirty-eight local men, and a force of forty constabulary would come within the limit of our means. We cannot exceed £1,500, inasmuch as we are at the maximum now of our taxation, and by taking ten men off, at £35 a year, it would just about bring us within that limit; that is, reducing the number to forty instead of fifty, as proposed by the Town Clerk.

4816. Mr. Commissioner EXHAM.—But putting out of consideration the financial part of it, in your opinion—and very few men ought to know better than you—that such a force would be sufficient?—Yes, I think that forty constabulary, with a standing force of twenty or so free, are quite sufficient.

4817. Mr. M'Loughlin.—That would give a gross force of 60?—From 50 to 60. The gross force, I should think, ought not to exceed 60 men.

4818. Have you any undue prejudice against the city police?—Certainly not.

4819. You are a Protestant, are you not?—Yes; and some of them are my own tenants; and many of them I respect very much indeed—most efficient men.

4820. Now coming to the question of local peace,

EXHAM BAR.

Aug of 26.

James
William
Graham, esq.

ALDERMAN

W. H. C.

M. Carter, J.P.

Mr. McCallan
 August 20.
 Alderman
 William
 McCallan, J. P.

would you be in favour of putting an end to all displays on the streets, of every description?—All. Indeed I think there is a necessity for discontinuing all celebrations from the feeling which has unfortunately arisen in Derry.

4831. When you say "unfortunately arisen in Derry," I presume you refer to some change of feeling that has occurred?—Yes, within the last few years all these demonstrations have assumed a very strong party character.

4832. Changed their character very much?—Very much.

4833. I believe you at one time subscribed to them?—I did. Up to within the last two or three years I always gave a contribution to the expense of the celebrations.

4834. And there was nothing singular in your doing so?—Nothing at all. I did not conceive that there was; and up to a little time ago I did not hear any persons express themselves dissatisfied.

4835. And I believe many other leading citizens, magistrates and others, were accustomed to subscribe in that way?—Yes.

4836. Mr. Commissioner EHRAM.—Up to the last three years?—Yes.

4837. And you have never heard any dissatisfaction up to that?—No.

4838. Mr. Commissioner MURPHY.—And you have ceased to subscribe because you considered it was?—I—Because I considered that it was giving offence to the church.

4839. Mr. McLaughlin.—Do you think that these exhibitions, no matter from what party proceeding, tend to endanger the public peace?—Oh, certainly.

4840. Now, I need scarcely go through the form of asking you would you extend this prohibition to all classes and ranks?—Most assuredly.

4841. And all processions, no matter under what pretence?—Yes.

4842. Mr. Commissioner EHRAM.—And all this band-playing?—And all this band-playing and street-marching—every procession of every kind.

4843. And, I suppose, to push that farther, you would do that anywhere where it gave offence?—I would, all through the kingdom, where it gave offence.

4844. Mr. McLaughlin.—And there is no reason why Derry should have exceptional privileges to have celebrations?—Certainly not. I think if these anniversaries are to be celebrated now, it would be better to do it in a religious manner, and people could do it in a devotional way without giving offence; and I believe, that would be the proper way to continue it, if it is continued at all.

4845. Now I venture to ask you if you are singular in those opinions?—I think but one opinion is generally expressed, except by ultra-politicians.

4846. It is not confined to the Roman Catholic portion of the population?—Oh, it is not.

4847. And I believe the prevalence of the feeling corresponding with what you express was very much the result of recent proceedings on the part of the Apprentice Boys?—Very much.

4848. I mean within the last three or four years?—Very much. I must say in favour of Mr. Gregg, the late President of the Apprentice Boys, that during the time he had charge of them I never heard a single dissident voice with regard to the celebrations. After that it changed hands, and I did hear great dissident expressions.

4849. Do you remember one time there was a procession here?—I do.

4850. At that time there was—I believe it is as well to give you an opportunity of saying it—a strong sympathy among all classes of Protestants for the celebrations?—There was, as far as I knew.

4851. Mr. Commissioner MURPHY.—Now, I think, you have said that there is an anxiety for their discontinuance. Of course it is desired by the Roman Catholic population and by a good many of your own congregation; do you think it is also desired by a good

many of the Protestant population?—Well, I never heard Episcopalians or Protestants express a desire to have them discontinued, but I have certainly heard very many Presbyterians and many more Dissenters of various kinds, and there are a great number of that class of people in Derry.

4852. Mr. McLaughlin.—I believe, in point of fact, you have never been what is called a party-man?—Never, but I may tell you I had strong sympathies for the commemoration of the event of the siege of Derry.

4853. And you still entertain those sympathies?—Yes, if it was properly conducted.

4854. But you entertain stronger sympathies for the public safety?—Yes, for the public peace; I do think every sacrifice ought to be made to attain its preservation.

4855. And I suppose that arises from your anxiety that the entire population should have every confidence in the law, and in the administration of the law?—Yes, and live in harmony with one another, which, I think, the people are well disposed to do best. I do believe there is not a place in the world where there is more cordial good feeling existing, were it not for these celebrations.

4856. And I believe they are pre-eminently—holding strong opinions—as kindly a population as any in the world?—No doubt of it, entertaining the most cordial feelings to one another.

4857. Protestants and Catholics, Presbyterians and Episcopalians, living together on terms of private friendship of the most sincere and warm kind?—Exactly.

4858. In it is not the fact that when it comes near these celebrations, at the time of the celebrations, and subsequently, a great change comes, for a while, over the local feeling?—I regret to have to say it is.

4859. And I suppose that change would lead people to suspect partially where really there never was intended any partiality?—Quite so.

4860. Everything is looked upon with a jaundiced vision?—Yes, quite so.

4861. With reference to that, I wish to ask you your own opinion on that subject; you are, I believe, extensively acquainted with the feeling of the middle and labouring classes as well as of the higher classes?—Yes, I think I am.

4862. You are a large employer of labour, as you have said; you are on farming also?—Yes.

4863. And I believe you have for your constituents in the municipal council the entire of the Waterside portion of the city?—It is one of the largest wards. The city is divided into three wards, and I represent the east ward.

4864. Although Waterside does not form the whole of the ward, the whole of the Waterside is in the ward?—Yes, the ward takes in a part of the city.

4865. It comes into the centre of the city?—It comes into the centre of the Diamond, it takes in Foyle-street, and in fact the best part of the city.

4866. And, of course, in your capacity you have a great opportunity of forming an opinion with regard to public feeling?—And as member of the Harbour Board which takes in the whole of the city.

4867. Do you happen to know whether there exists among these people, rightly or wrongly, that confidence that one would desire should exist, in the decisions of the local magistracy, so far as you know their feeling?—Well, I have heard occasionally, but it was, I may say, before I went to the bench myself—some dissatisfaction expressed. At the same time I did not mind it; I thought, perhaps, it was more prejudice, that some persons had come off second best; and such a person would often express an opinion unfavourable to the decision of the bench.

4868. Mr. Commissioner EHRAM.—And to the verdict of a jury also?—Very often; it is not easy to satisfy every one. I think it is very seldom you will get the man who is beaten to be satisfied.

4869. Mr. McLaughlin.—Now, of course, a great deal of the prejudice that exists against the local magistracy, if it does exist, might be caused by what you

say, that one party is always beaten?—Well, I think so, except probably in some cases—political cases.

4866. Now do you think that the feeling is so utterly groundless as the application of the last theory solely would lead one to believe, with reference to political and party cases?—Well, it really would not be fair for me to express an opinion with regard to my brother magistrates in that way, but I fear that there may be some men largely influenced by political feelings, if it did not involve a matter of conscience.

4867. You have spoken of your position with reference to the magistracy—and very fairly—as a reason for not going very analytically into the subject; now have you not much since you were appointed a magistrate in March last?—Not very often; I have been a good deal from home since I was appointed.

4868. Very seldom, I suppose?—On a few occasions.

4869. And I may say that those magistrates who are in extensive business, such as Mr. Tille, Mr. Bigger, and Mr. Hogg, are seldom or never there?—I think I never met either on the bench.

4870. It is almost impossible for these men, with reference to their business, to be there, and the same thing applies to yourself?—Unless there was something of very great importance, and we were summoned specially. I have always attended the sittings of the chief magistrate to consultations.

4871. Now, when you speak of the sittings of the chief magistrate to consultations in the way you mention, it just occurs to me to ask you whether you were on the bench when the investigation was held into those recent and unfortunate deaths?—I sat the first day of the investigation of the charge made against the police for shooting people.

4872. Did not that investigation extend over a great number of days?—It extended over the entire week, I think.

4873. Did not most of the magistrates who sat on the first day continue to sit during the remainder of the investigation?—Well, I think not all. I think Sir Edward Ross did not sit regularly. I think he only sat one or two days. I left the bench after the first day. I will tell you the reason. I did not continue to sit.

4874. I was going to ask you for it?—I felt that it was assuming a party aspect, that the attorneys on both sides were conducting it in such a way that it was likely to prejudice the local magistrates, perhaps myself among the rest, and I thought it was better to leave it in the hands of the resident magistrates, who were there, Captain Corrie and Mr. O'Donnell. I thought that the investigation would be better conducted by them—freer from any prejudice.

4875. Mr. Commissioner MURPHY—You thought so from the decided political aspect it was assuming?—Yes, in fact the attorneys gave it that aspect.

4876. And that therefore anything the local magistrates did might be misinterpreted?—Quite so.

4877. And that it would be better that gentlemen not locally identified with any party should hold it by themselves?—Yes.

4878. And do you think that rule should prevail in every political case?—I think so.

4879. Mr. Commissioner ERYAN—And then so one can say there was partiality?—And then so one can charge any one with partiality, but I must say that any decision when I was present in other cases I considered most fair and upright.

4880. Mr. O'Loughlin—Your remark then evidently applies to party and political cases?—Yes.

4881. And those you would think it desirable to leave to the resident magistrates?—I should, for the sake of the local magistrates themselves.

4882. You refer to the efforts of the advocates on either side, Mr. O'Connell and Mr. Bea were on one side, who were on the other?—Mr. O'Connell, of Belfast.

4883. Now, I suppose you did not form your opinion on the subject on a sudden impulse—that the proceedings had been continued for some little

time before you formed your opinion?—I did not form any opinion. Do you mean with regard to the decision?

4878. I mean to say that you did not form an opinion of the danger that you thought existed with reference to those suggestions of prejudice coming from the advocates, until those suggestions had occurred over and over again?—Oh, no; during the course of the investigation; during the course of the proceedings of that day.

4879. Mr. Commissioner MURPHY—The proceedings of that day were sufficient to convince you?—I—Quite so.

4880. Mr. Commissioner ERYAN—That it was taking a party turn?—Yes, quite so.

4881. Mr. Commissioner MURPHY—And of the precedence of the step you took?—Yes, quite so.

4882. Mr. O'Loughlin—Were there any efforts made by the magistrates to check that?—Oh, yes. The Mayor made efforts, but quite unavailingly. There was no need paid to any effort be made, by either party.

4883. And you think that your own greater confidence in the application of the professional magistrates, in party and political cases, as regards the amount of public satisfaction that it would inspire, is an opinion that would be approved of by the populace generally?—Oh, indeed, I think that the populace would prefer men of that sort being tried by resident magistrates. I do not in any way impeach any of the magistrates.

4884. And I suppose you would confine the jurisdiction of professional magistrates to those cases?—I would certainly.

4885. Mr. Commissioner ERYAN—As I understand what you say is this, that from the turn things took there—owing to the advocates at each side—you withdrew from the bench, feeling that as matter what decision you came to it might possibly be misconstrued?—Clearly so. That I was sure to get blame from some party if I joined in the decision.

4886. Though you acted according to your conscience?—No matter how conscientiously I acted, that I could not give satisfaction to both parties—that one party must feel offended.

4887. Mr. O'Loughlin—I suppose that the same danger would exist with reference to the management of the local police force on the occasion of one of those celebrations out of which those trials sometimes arise—that the public would misimagine the acts of the local magistrates?—Well, I cannot say. I cannot answer that question.

4888. Suppose now, for a moment, that one of those processions which have been regarded as trivial to the peace of the city—this is merely hypothesis, but supposing it were to be put down—do you think that more confidence would exist among the inhabitants of Derry in the management of the means of putting it down if those means were managed by two resident magistrates or by two local magistrates?—Oh, I think it would be better managed by the resident magistrates, and by the constabulary, of course; there is no doubt about that.

4889. I asked another witness a question which I will venture to repeat to you, whether or not, supposing the nature of the repressive measures, if repressive measures were determined on, were left to the local magistrates as at present constituted, do you think it likely that any attempt would be made to stop these processions, which have been described as dangerous to the public peace?—I think they would only be stopped if they assumed a party aspect, that is if they violated the Party Procession Act. That was clearly the decision of the magistrates when they consulted last as to what they would do at the last celebration. They agreed that they would not attempt to stop the procession, provided they did not carry party colours, or play party tunes, or the artillery.

4890. Mr. Commissioner ERYAN—And was there a consultation of the magistrates?—There was.

ERVEN BAR.
August 25.
Alderman
Wilson
McCart, &c.

MEETING DAY
—
April 26.
Aldermen
William
McCartor, &c.

4891. And you took part in it?—I took part in the consultation.

4892. And did you agree to that with the rest of the magistrates?—Well, I agreed for the present that there would be nothing further done; but it was distinctly and clearly understood that if any persons carried fire-arms of any kind, that if having such fire-arms without a licence, the arms were to be taken from them, and they were to be arrested, and if known to the police the names of those who might have fire-arms with houses were to be taken down, and a report was to be sent to the Government to deprive them of such houses.

4893. And was it determined on that neither flags nor banners should be allowed?—It was—that no party colours should be allowed.

4894. Mr Commissioner MURPHY.—Was it considered by the magistrates in consultation that the procession might take place without party emblems?—So it was stated by the President of the Club, the Governor. We had the programme before us, and in this programme it was clearly and distinctly stated that no party emblems would be carried, that parties forming in the procession would wear the city colours, crimson, and have crosses of crimson. That is not considered here a party emblem.

4895. Mr Commissioner ENHAM.—And then that no party music was to be played?—That no party music should be played.

4896. And no arms carried?—And no arms of any kind carried.

4897. And the programme having been sent they met on it?—Yes.

4898. And consulted?—And consulted.

4899. And was there any resident magistrate present?—The two resident magistrates, Mr O'Donnell and Captain Coote, were present, and we had a large meeting of local magistrates.

4900. And was the programme submitted to the meeting?—It was submitted. The Mayor was in the chair.

4901. And can you say was it a unanimous determination?—A unanimous determination—no dissent from it at all.

4902. And that as long as the parties kept within that programme, and did not depart from it, the authorities was not to interfere with them?—Quite so.

4903. That not with the approval of the resident magistrates?—That not with the approval of the resident magistrates.

4904. Mr. McLaughlin.—Did the Governor of the Apprentice Boys communicate with the magistrates personally?—I think it was Captain Coote and he had been in communication with him personally, and that he gave him—that Mr. Ferguson gave Captain Coote—that programme. Mr. Ferguson is the Governor of the Apprentice Boys.

4905. And Captain Coote brought that programme to the meeting of the magistrates?—Yes.

4906. He said he had had an interview with Mr. Ferguson, and Mr. Ferguson had given him that?—Quite so.

4907. And it was submitted to the magistrates?—Yes.

4908. It was unanimously agreed that that programme should be allowed to be carried out?—Unanimously.

4909. There was no dissent?—No dissent, provided that there should be no departure from the rules laid down.

4910. Mr Commissioner MURPHY.—Were you there the day of the procession?—I was not in town that day, I was very ill.

4911. Mr. Commissioner ENHAM.—But it was distinctly understood that if party tunes were played, or flags carried, or there was any person bearing arms, it was to be stopped at once?—Quite so. I have already stated that; and the Sub-Inspector of the police was to receive orders to carry out the directions of the magistrates.

4912. Can you say whether the carrying out of those arrangements was left to the stipendiary magistrates?—They were left generally to the superintendence of the Mayor and the stipendiary magistrates; and the militia, I may tell you, were ordered to be in readiness, in the event of further assistance being required.

4913. That was all arranged at the meeting?—That was all arranged at the meeting.

4914. And then the disposal of those forces was left to the arrangement of the Mayor and the two stipendiary magistrates?—Yes.

4915. And that was the arrangement unanimously come to at the meeting?—Yes.

4916. Mr. McLaughlin.—Do you know, as a matter of fact, whether party tunes were played?—I cannot tell.

4917. Because we have had some proof here that they were played?—I heard it stated, and I saw it in the papers, that they were played, and that guns were fired.

4918. The firing of guns being as directly in conflict with the law as the hoisting of arms in one's hand?—Yes.

4919. Did you see it also stated, and rather boastfully, that flags were carried?—Yes, and I may say that I saw, myself, men coming by the Colonnade line by which I went down that day. I met a party coming from Belfast, of men in coats—Orange men, I believe—and they were waving party flags out of the windows coming along. I saw them at the station.

4920. Then the procession having assembled, fully, and exclusively violated the conditions on which, and on which alone the magistrates would tolerate it, are you aware that any effort was made by the magistrates then to prevent it?—I know nothing but from the reports I have seen in the papers.

4921. But nobody ever suggested that there was the slightest effort made?—No.

4922. Mr. Commissioner ENHAM.—What Mr. McCartor says is this, that it was left to the two stipendiary magistrates and the Mayor to carry out the arrangements, a part of those arrangements being that the military were to be in readiness to assist the authorities?—I may say that there were 180 of the auxiliary force in town.

4923. Mr. McLaughlin.—I do not care for my part if it had been left to the Cabinet of England. Was not that offer merely regarded by the commonsense people of Derry as a transparent humbug?—It was considered decidedly a breach of good faith, and a violation of the contract entered into.

4924. Mr. Commissioner MURPHY.—Mr. McCartor does not care that in the way you put it, that it was a transparent humbug. I think he says that the magistrates acted with the most perfect good faith, but that perfect good faith was not kept with them. (To witness).—Am I right in that?—Yes.

4925. But then he answered yes—that was, that that not being observed by the processions, was looked on as a breach of faith on their part?—I may say that, although we came to that determination, as magistrates we did not approve of processions of any kind, and it was only as a matter of necessity that we yielded to this arrangement. We thought it would be very much better if there had been no procession, or no attempt at a procession; but we thought we had not power, or that the magistracy was not clothed with sufficient authority to suppress the procession in any shape or form.

4926. Mr. Commissioner ENHAM.—As I understand, what the magistrates thought was this—they feared that the law as present did not enable them to prevent the thing altogether?—Quite so; we went so far as the law would enable us.

4927. And as long as the parties did not transgress the law they were not to be interfered with?—Yes.

4928. And if they did it was left to the stipendiaries and the Mayor to put it down?—Yes, and

you all know the difficulty in a crowded assembly of preventing anything of that sort. I do not think there was any attempt to walk at a bench of the law. If Mr. McLaughlin wishes me to answer that question I will answer it in that way, that I believe there was no wilful, or disposition on the part of the magistrates, to overlook the offence, if they could in any way have got at the offenders.

4929. You think the arrangement came to by the magistrates at that meeting was a perfectly *bona fide* and honest one?—It was, but their desire was altogether that there should be no procession, and they very much preferred that there should be none.

4930. Mr. McLaughlin.—And then all their arrangements came to naught, as a matter of fact, as you have mentioned?—Yes.

4931. You say, and it is patent on the face of it, in one sense at all events, that they did not wink at the procession. When I understood you to say was this, that for the reasons you have stated they did not interfere to prevent it?—I have answered that question as well as I could. The charge was given entirely to the stipendiary magistrates, and to the Mayor of the city; I cannot tell you as regards their conduct—what they did or why they did it.

4932. Mr. Commissioner KEENE.—That is, the magistrates as a body delegated to the two stipendiary magistrates and to the Mayor the charge of the public peace?—Yes, the entire charge; arming them with sufficient power in the shape of constabulary and military.

4933. And delegated to them to carry out honestly their instructions that the public peace should be preserved at all hazards?—Quite so.

4934. Mr. McLaughlin.—And the result was that nothing was done?—I believe that there was a violation of all good faith towards the magistrates by the Apprentice Boys on the one hand, and a disregard of the laws on the other.

4935. Now with reference to the last answer, do you think it likely that if a similar pledge of good faith were made to the local magistrates on the 18th of December next, the local magistrates would give the Apprentice Boys another chance?—Well, I think there are local magistrates who would be very glad to see the celebrations continued, if it could be done legally and inoffensively; but I think I may speak for the magistrates as a body, that they would very much rather the thing were given up altogether.

4936. Now did you see it stated in the public prints, or did you see it stated as part of the proceedings of this inquiry, that no longer ago than this day week, the band of the Apprentice Boys marched through the city at a most critical hour of the evening playing "No Surrender"?—I did.

4937. It was only a force of about a dozen handmen, I think?—I do not know how many they were, but I saw that reported; I saw it stated.

Mr. William Gallagher examined by Mr. McLaughlin

4938. You have resided in Derry for the last half century and more?—Yes.

4939. I believe you carry on a large business here as a butcher?—Yes, they commonly call me that; but where they speak more properly they call me a victualler—about Dublin.

4940. Well, I believe you are a victualler in a very large way of business?—Yes, pretty fair.

4941. You occasionally visited the West?—Sometimes.

4942. And have done so more than once?—Yes.

4943. Now, I will ask you further, whether the people engaged in that trade in this city are not people that are almost exclusively of one way of thinking?—Principally, there are very few exceptions.

4944. I think that is a general characteristic of the north of Ireland?—Yes.

4945. And I believe the secret of it is that that was

4938. You did not hear that any one had been summoned for that breach of the law?—I did not.

4939. I suppose you go with me in thinking that that was most dangerous?—I do, and I think they ought to have been summoned, and if I had been the chief magistrate of the city, or a stipendiary magistrate, I certainly should have had them summoned.

4940. Can you conceive anything so nearly resembling the throwing of a live coal into a barrel of gunpowder as what was done that night?—I think it was very wrong and highly improper.

4941. I think you said something about the city colors, crimson, not being regarded as a party emblem—of course that means by those who are in favour of the celebration?—Well, that is generally stated.

4942. But I believe some choose, rightly or wrongly, to take offence at it?—Well, people do say that it is a mere crania of the law.

4943. You were in court to-day when it was sworn very fairly that a flag which has a blue fringe has been regarded as the emblem of the Catholic party by reason of something that is in it?—I heard that stated.

4944. So that in point of fact it is not what the colour intrinsically is that constitutes it a party emblem?—I did not hear Mr. Gregg say so, but I heard this flag called a party flag.

4945. Did you hear it stated to-day that this flag had given offence, notwithstanding that it had a blue fringe—there was something in it that was thought offensive?—Oh, I can answer that I heard it stated so; and not only that, but when the Prince came into town, when the Corporation were waiting to receive him in the hall, and when the band that were marching down were carrying this flag, I heard many members of the Corporation and other gentlemen who were in the Round-reen express themselves very dissatisfied.

4946. So then it comes to this, that it does not matter so much what the colour of the flag carried by a party as of the persons who carry it?—So it appears.

4947. Mr. Commissioner KEENE.—Was it with respect to that particular flag, having a harp without the crown, that you heard the expressions of dissatisfaction?—Yes, the white flag having a harp without the crown.

4948. Mr. McLaughlin.—And the yellow or gold letters and the blue fringe, bearing a close analogy to "orange and blue," did not avert it clear of the difficulty?—I am just telling you what I heard. I made no observation about it.

4949. Mr. Gregg.—What I said was that that was carrying the harp without the crown, and if I saw an Orange flag with the harp without the crown, carried over the head of Royalty, I should say the same thing.

4950. Mr. Commissioner MURPHY.—I should think that if the Royal personages themselves were consulted, they would not mind it much.

4951. Mr. Commissioner KEENE.—Do you think it would conduce to public peace to have stipendiary magistrates?—Yes, I think it would be quite right.

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Adm. William
McCartor, s.r.

Mr. William
Gallagher

not a trade that required a regular apprenticeship many years ago?—Oh, indeed it did require it if it had got justice.

4950. You are a Catholic in religion, Mr. Gallagher?—Yes, I profess that religion.

4951. And you know the feelings of your co-religionists well?—Well, I have a pretty good guess of them.

4952. And notwithstanding that I believe you are a man who have always lived in peace and amity with your Protestant and Presbyterian fellow-countrymen?—Upon the very best terms, with few exceptions.

4953. You were in court when the last witness, Alderman McCartor, was examined with reference to the celebrations, with respect to which I will ask you some questions. Do you happen to know whether they are offensive to your co-religionists?—Not a doubt of it; not the slightest doubt of it.

Source: *ibid.*

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Mr. William Gallagher.

4964. I believe they excite very strong feelings and deep animosities!—Very.

4965. Now, you speak of the feelings of that class of the community, but I believe it is also a fact that gentlemen not of their persuasion, theologically, also disapprove of them!—Not a doubt of it, and I think it is not confined to that class you mention at all, for I think it is extended to the well-disposed and well-meaning Protestant portion of the community.

4966. Mr. Commissioner MURPHY.—It extends to them!—It does; and I have been several times in conversation with my Protestant and Presbyterian, and Dissenting neighbours, and all that, and all were of opinion that the thing was a curse to society, and that the sooner it was done away with the better, and that the compliment would be all paid to those parties that were so anxious for the celebration of these days. That was the conclusion that was come to by those I spoke to, and I spoke to a great number.

4967. Mr. Commissioner ELLER.—And does that feeling apply to processions of every kind!—Of every kind, without distinction.

4968. And to all band playing!—And to all band playing, and everything of that nature; I see no distinction, but to cut them away from the root, or pull them up.

4969. Mr. *McLoughlin*.—When you have spoken of the opinions of your co-religionists, and of the opinions of those Episcopalians, and Presbyterians, and other gentlemen with whom you have been in contact, of course your own opinion is the main!—Yes, the same.

4970. You are in favour of doing away with every procession, no matter from what side it comes!—No matter from what side, and I would feel more for any procession that would come from what is called my own side, if I might term it so—I would feel more for that than for what would come from the Apprentice Boys or Orangemen.

4971. Mr. Commissioner MURPHY.—You would be more desirous that it should be suppressed!—I would be more scandalized by expressions coming from one of them than from the others, and my opinion would be that it would be a blessing to society if those displays were put down, and those parties, I think, would not be two years older till they would say that it was a very happy day when it took place.

4972. Mr. *McLoughlin*.—I believe, except as regards those celebrations, the people of Derry live most harmoniously and kindly together!—There is not a community, I think, in the world to surpass them, so far as everything that constitutes a well-disposed people goes.

4973. Yes, in the course of your business, which is very extensive, have correspondingly extensive opportunities of knowing the feeling of the people round about!—I here.

4974. I believe your business calls sometimes take you out of this province to Roscommon, Sligo, and Westmeath!—Yes.

4975. The Ulster counties you know very well!—Yes, I know them well.

4976. The county Tyrone and the county Derry!—Yes.

4977. Have you read any evidence that was given here!—I have both read and heard some.

4978. You have heard it stated that there exists a determination to prevent those displays physically!—Indeed I do not know that of my own knowledge; I have heard it, but I do not know a single thing about it.

4979. Mr. Commissioner MURPHY.—Have you heard it independently of the evidence given here!—Nothing, except the voice of the people outside.

4980. Mr. *McLoughlin*.—But the voice of the people outside is, beyond you or any, a voice that corroborates the evidence given here!—Oh, not a doubt of it; but I think the feeling outside is one that is secretly known—the extent of it.

4981. Now, I suppose, you, occupying the position

in your trade that you occupy, would have several opportunities of knowing if that was the voice of the people!—Yes.

4982. And, I suppose, you agree in thinking that, if it is not put down, there will be bad work!—Oh, indeed, that is so.

4983. You are a man not easily alarmed!—I am sometimes not easily nervous.

4984. And that is your deliberate opinion!—It is; not a doubt of it.

4985. Did you see or hear the procession on the day of the great Protestant meeting!—I did not; I do not know that I was much away from my own shop during the day.

4986. Did you see the handmen, or hear them, that played "No Surrender" on Thursday night last!—Well, I did not.

4987. Do you think that a very dangerous thing to do!—Well, I should think so.

4988. But you know nothing about it personally, one way or the other!—No.

4989. As far as the public feeling goes, I suppose it would be in favour of having the constabulary instead of the city police!—Oh, I think so.

4990. Now, you are a man who are intimately acquainted, I may venture to say, with many of the local magistrates!—Yes.

4991. Know them well!—Yes, I think I know them all.

4992. And, I suppose, as far as you are concerned personally you have no charge against any of them!—Oh, not the slightest. I come so little in contact with them as possible.

4993. I suppose you have never been in contact with them of late, except that time eight or nine years ago when you appeared to testify on your oath then, what you have testified here, to-day, about the feeling of the Catholics!—Just the same thing. I would give the same class of evidence then as now.

4994. And yet, notwithstanding, they have gone on in the meantime with the same thing, with the result seen on the 28th of April last.

4995. Is not it, however, a deplorable fact that among a community so large, as regards the Catholics, there is not the confidence that there ought to be in the local magistracy, touching party or political cases!—I have often heard that, but, as I told you before, I have no experience.

4996. But as to the existence of the feeling, whether it be well founded or the reverse, there can be no doubt!—Oh, I think, anything of a party nature, there is sometimes reason to make remarks on it.

4997. Now, do you not think that if these displays were of an end, and that the excitement resulting from them was allayed, a comparatively small force of constabulary would keep the peace in Derry!—Oh, yes; it would be very easy to keep it. I venture to say that even one-half of the number mentioned would keep it. If you were to throw those few firebrands that I mention out of them, you would not get a better community in the whole world.

4998. And I believe some of the firebrands are not originally Derry men at all!—Indeed they are not.

I may say that I do not in any way allude to Mr. Ferguson, who is a Derry man, although, I believe, he was for some time in America.

Mr. Commissioner MURPHY.—It is right, Mr. *McLoughlin*, to state, in justice to Mr. Ferguson, that so far as any actual interference with these disturbances has been brought before us, several of the gentlemen have stated that when he was appealed to, he did all that he could to allay the disturbance at the time. As to his being President of the Society, I think he does not care about that charge; but, so far as particular occasions were brought before us with respect to the disturbance, the evidence given before us by gentlemen here has been that Mr. Ferguson, when appealed to, did all that he could to allay the disturbance. You recollect the occasion when he urged the men to go home, when he ordered them to cease stone-

throwing. It is a different thing, how far you or others may disapprove of a gentleman being President of this Society.

Mr. McLaughlin.—I think it shows great fair play on the part of the Commissioners to illustrate their respect and anxiety about private character, by the

remarks they have made touching Mr. Ferguson; but until the Commissioners allow me to examine Mr. John Courtenay as to the party who attacked the Hall on that night, I cannot quite agree in the observations that have been made.

EDWARD DAVY.
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Mr. William Gallagher.

Mr. John Gray Ferguson, Governor of the Apprentice Boys.

Mr. John Gray Ferguson.

We have no advocate here; it is no matter what has occurred previously, we are disinterested as an advocate; but I have heard statements so comparatively untrue, so based by a particular phase of political opinion, that I am quite ready to answer you any questions that you may put to me, pertinent to these celebrations. I do not submit myself to answer any questions put to me by Mr. McLaughlin, but I readily come forward voluntarily.

Mr. Commissioner MURPHY.—That is perfectly right.

Mr. Ferguson.—I am come here against the express wishes of our legal advisers, and against their directions, because I cannot at all while those statements are made.

Mr. Commissioner EHRART.—In the observation that Mr. Murphy made I most fully concur. As far as the evidence goes, as yet, I am entirely of the same opinion as Mr. Murphy that on every occasion on which Mr. Ferguson has been brought in connection with the parties engaged in these celebrations, whenever he was appealed to, he appears to have done his best to try and prevent a breach of the peace, and disorder, and I for one, and I am sure Mr. Commissioner Murphy will be most happy to bear any explanation or evidence he may desire to give, and we shall ask him some questions by-and-by, and I am sure that Mr. McLaughlin will not inconvenience him in the slightest degree.

Mr. Ferguson.—What satisfied me in coming forward was an expression Mr. McCarter made use of. I should like to state what occurred at my interview with Captain Coote, in relation to the celebration of the 12th of August, and to say that, as far as I am concerned, there was no breach of faith whatever with the magistrates.

4999. Mr. Commissioner MURPHY.—You had an interview with Captain Coote?—I had, in my own office, nine days previous to the 12th. Mr. Henry Davies was with him.

5000. And I suppose Captain Coote expressed his anxiety with regard to the proceedings?—Yes, he produced a programme signed with my name, and said that having seen my name there, he thought it right to state, coming from the meeting of magistrates, that he held me responsible to some extent for what was stated there.

5001. The procession consisted that day of a great number of persons who came from other places?—To the celebration.

5002. Yes?—For the last two or three years cheap excursion trains have been run along the different lines, and the Belfast and Northern Counties Railway have made a custom of running an excursion train without any correspondence with us on the matter. It was not our arrangement, I think, but originated with themselves at the Belfast end of the line, and a large number of people availed themselves of the excursion.

5003. And so far as your individual action went you adhered to the programme?—I did, most implicitly; but I told the magistrates that I could not be accountable for individual acts. There was a story or rumour that had obtained, that the guns which are at Newtownswarthy were brought into the neighbourhood of Derry, to a place called Milltown Lodge, and that the Apprentice Boys were to go out and bring them in by force; I gave an authoritative contradiction to that, and I pledged myself, moreover, that neither would the Apprentice Boys' guns be brought in on the occasion of the celebration nor fired.

5004. And in point of fact were they?—They were not. I understand that there was firing from the

Cathedral, and I may state to you, most unreservedly, that with that act I had nothing whatever to do, nor had the Apprentice Boys.

5005. Firing from the Cathedral?—The firing from the Cathedral was no act of theirs. I was appealed to on the streets, by parties not members of the Apprentice Boys' Society, to have party aims played—by gentlemen—or was that I thought were party aims—and I declined, and I stated I had pledged myself to the magistrates and I would observe the pledge, and I believe there was one violation of it on the wall which I was powerless to prevent.

5006. Now you have a good deal of experience of things for some years back in this city and neighbourhood, and you have heard a good deal of the evidence here, and no wonder how anxious you—being President of this Society, and standing of course in a peculiar position with respect to it—may be for the continuance of that celebration, and no matter with what feelings of either national regard or devotion you may view it yourself, are you not of opinion that, whether rightly or wrongly, it does give offence to a considerable portion of your fellow citizens. You know, you may be of opinion, as I may be of opinion, that they ought not to take offence at it, but still as a fact do you not believe that they do take offence at it?—I believe for the last year or two there has been more excitement of feeling than ever previously; and as far as my experience, with the short interregnum to which Mr. McLaughlin refers, of these celebrations extends—over 25 years—I have never known a riot except a very trifling one on one occasion, for which I considered I was myself to blame.

5007. A riot has never taken place?—Let the records of the Police Court be looked to, and see what the result of that will be.

5008. We may say nothing serious has occurred on these days, for instance the riot of the 28th of April did not occur on one of these celebrations at all?—It did not, nor from any feeling connected with the celebration; but it was simply from political excitement, and I think I could throw a good deal of light upon that. It was happening from the time of the election, the 30th of November.

5009. Perhaps so, still whether the mischief arose or not upon particular occasions, do you not think that a feeling exists among the Roman Catholic population that that celebration is indicative of either triumph or vanquishing over them—do you not think that that feeling exists?—I believe that that feeling has been cultivated—that it did not heretofore exist.

5010. But that it has been cultivated, and that it exists now?—And I believe that the people with that feeling are from the neighbouring counties, comparatively new in Derry. I may tell you, that from my own knowledge, I have seen the Roman Catholics assist in these celebrations within the last 5 or 6 years; and I have been congratulated afterwards by them on the way they passed off.

5011. Mr. McLaughlin.—Ask him to give the names?—One occasion referred to was at Bishopsgate; they helped a hand to get the guns up the steps. I could give the names.

5012. Mr. Commissioner MURPHY.—No matter how the feelings have been produced, or cultivated, or increased, are not you of opinion that it now exists?—Oh, it does exist within the last 12 months I think. I have first seen symptoms of it within the last 12 months, to any perceptible extent.

5013. And do you not think now, that, supposing a celebration of that kind took place, and that there was

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no police force in this city on the particular day—suppose that on the 18th of December next the police resorted in their barracks, and that the celebration took place, do you think it would pass off without a breach of the peace?—I cannot say as to that.

5014. What is your opinion?—I would not be afraid of it.

5015. But now—?—I would not—then past experience, I may state to you, Mr. Commissioner.

5016. You would be apprehensive, now, yourself?—Oh, I would have the apprehension that any person having such a responsibility would naturally have, and I always have.

5017. It is another thing whether you are afraid of them or not; a person may say “We will maintain it and oppose any person who may wish to check it;” but do you think it would pass off without a breach of the peace, supposing, as you say, that feeling has been cultivated?—I believe that if the Apprentice Boys confined their celebration to the inner part of the city they would meet with no opposition.

5018. That they would meet with no opposition?—If they did not go outside the city gates I believe the celebration would meet with no opposition.

5019. Do you think that any persons would be anxious to come inside the city gates to oppose them?—Well, I heard a great deal of talk about an immense body at Butcher’s-gate, on the occasion of the late celebration. I saw about 30 or 40 people, a great many of them women and children. Mr. O’Neill magnified it to a great number. I was very anxious to see it, and in the evening of the celebration I saw about 40 or 50; and about 10 o’clock they left it perfectly quiet.

5020. Then if you were apprehensive that it would lead to a breach of the peace, I suppose you would not desire to lead it yourself?—I should think that as long as the celebration is legally celebrated, in a manner that was not intended to be offensive, as an old olive custom, it ought to be maintained, but I would not wish to maintain it at the hazard of bloodshed. But I believe, at the same time, that if the custom were legal and proper and peaceable, we should not be crushed by any armed and organized force of an illegal nature; I believe that it would be the duty of the law to protect us.

5021. Mr. McLaughlin—Do you still persist?—I do, because we are misrepresented politically, and I simply came here to—

You cannot answer a question before it is put. I was about to ask you, with very great respect, do you still, having regard to the effect of it on the weight of your evidence, persist in refusing to let me put to you a few questions as to the evidence you have given?

Mr. Commissioner MURRAY.—He has not stated that, now.

5022. Mr. McLaughlin—Do you refuse?—The reason I intended to address myself altogether to the Commissioner was, that I came here against legal advice, and I went here destitute of a legal adviser.

5023. Mr. Commissioner BERAM.—We stated the other day here, when you had a legal adviser, that any questions we thought fair to be put to the witness we would allow, and that any question we thought not a proper question, we would not allow to be put; and of course we would do the same with any other witness; and I am sure you would have no objection to answer any question Mr. McLaughlin might put, that we should think a fair question?—Well, I waive my objection.

5024. Mr. McLaughlin.—Now, you say, and I am sure convinced, that you exerted all your influence to prevent any disturbance?—When—at any particular time?

5025. At the last celebration?—Well, I believe I did. I did not see any symptoms of disturbance. I say I was very watchful as to seeing any gathering storm. I was in consultation with Mr. O’Donnell throughout the day, and I had spoken to him on the previous evening, and I told him unreservedly our plans, and he met me in the most courteous manner.

5026. When you say “our plans” you naturally refer to yourself as a member of the party?—I made reference solely to the programme and the route that we were to follow; and the route was made shorter to have this celebration closed an hour or two earlier, in order to have the thing over before the approach of evening.

5027. I mean that you occupy a very prominent position in the organization?—Oh, yes.

5028. Now, I think you have stated that you would not be apprehensive of any opposition to the Apprentice Boys, if they confined themselves to the walls and the inside of the city, and did not go outside the city gates; that is your opinion?—Yes; that is in what they seem an altered state of things as regards these celebrations. It seems to be stated that there has been an attention in public opinion regarding these affairs recently—at least, many witnesses have testified that.

5029. Mr. Commissioner BERAM.—That is, from what you have heard during the progress of this inquiry you are now afraid that within the walls there might be an attack?—I have heard Roman Catholic gentlemen express an opinion regarding their religious processions as to an armed force and an immense amount of arms in the city. I was quite horror-struck to hear of such a thing, quite unanticipated on our part, that people should arm themselves with deadly weapons to put down an inoffensive celebration.

5030. Mr. McLaughlin.—An inoffensive celebration?—I think the offense is imaginary. It should be also stated that these great political excitement that has never before taken place. I have known instances of Apprentice Boys, before the question of the Church Bill, having voted for what is called the Radical candidate, and yet continue members of the club. Mr. Greer got the vote of several Apprentice Boys. The difference of the position now as to them—that is, two or three years ago—should be taken into account.

5031. I think you said you were perfectly horrified to hear that these parties were armed?—Yes.

5032. Were you equally horrified to hear that the Apprentice Boys are generally armed?—They are not generally armed.

5033. Were you armed yourself?—I was, unfortunately; but on the 12th of August I took particular care not to be armed.

5034. For fear of what might happen?—I thought it better not to put a weapon into my pocket. We have always placed ourselves on the nature of these celebrations. I have unfortunately been, for reasons best known to myself, in the habit of carrying a revolver—for reasons known to the resident magistrate; but on this occasion I altogether dispensed with it.

5035. And did you consider that prudent to do on the 12th of August?—I did, I had no fears on the 12th of August. I may have been mistaken certainly from what has transpired since. I tell you, certainly as far as we are concerned, that if an attack had been made upon us it would have been made upon a perfectly unsuspecting body.

5036. And a perfectly unarmed body?—And a perfectly unarmed body.

5037. At any time of that day?—Sir?

5038. At any time of that day, you do not limit it to any particular time?—No.

5039. Do you think that if an attack had been made on a body of men with a park of artillery, of twelve or fourteen guns, they would have been a perfectly unarmed body?—We have no guns.

5040. You had?—They would have been loaded with blank cartridges. I believe that the sponge-rods, spongers, and other business would have made for more effective weapons than the guns themselves.

5041. But even with those things that you have described with such technical accuracy?—They are part of the equipment.

5042. Suppose that the proclamation was removed, as the papers have suggested that it should be removed,

and that there was nothing illegal in firing a gun!—I certainly would rather hear of the guns, for I think it was more in unison with the celebration, and more of a Derry character, if I might so term it, than this emptying of basins. I would wish to see the guns firing on the walls—confined to the walls.

5043. That is on those days!—The firing on the walls merely, at different points of the battlements—

5044. On two days!—And then removing the guns through the streets to their gun-room, without going to the outside of the walls.

5045. And that is to be confined to two days!—Most undoubtedly; I never remember that I have seen the 12th of July celebrated in Derry by a procession.

5046. Supposing for a moment the proclamation were removed, and you returned to the guns, being a more Derry way, and that a body of the people of the other side attacked them, a great body of men in command of a park of artillery could scarcely be described as defenceless men!—I cannot see how you could fire upon defenceless women and children, a great proportion of them being our own friends. I do not think that people could do such a thing as fire on a whole mass of people, the majority of them being sympathisers with themselves, in such a crowded place as Derry. But if you went out to a place like Muff Glen it would be different.

5047. I suppose some people were anxious to have a day at Muff Glen!—They had it reported that I was there, but I was in Edinburgh at the time.

5048. Is it your evidence that under no circumstances you believe that the Apprentice Boys, if displaying themselves in the Derry way for instance, having guns, and firing them, if they were attacked by the populace would fire upon them if they got the chance—would they not do it for self protection!—Well, I do not know; I cannot say.

5049. You think they would deprive themselves of the instinct of self preservation!—If a party were attacked and had the means of defence at hand they would probably use them; but unless those guns were larger they would be comparatively useless. Some of them are only two pounds, and the highest of them is not over six.

5050. Two pounds of solid lead fired into you would injure your digestion materially!—Yes.

5051. You think that they ought to be fired from the wall!—I think that is most appropriate.

5052. And that is where it generally takes place!—Yes.

5053. And some men were killed there some years ago!—There were some men killed there twenty years ago.

5054. And firing that masonry in the way that usually takes place, in obedience to the law of nature, I believe they are usually fired over the Bogside!—They are.

5055. And I believe there is no other portion of the wall whose physical features would afford the same opportunities for artillery practice!—They pay for less broken glass there.

5056. And it would not be as convenient, with reference to the position that one party occupies to the other, to remove the Bogside out of the way for that day!—It would be rather difficult.

5057. You are a man of education and reading decidedly—a most distinguished man, to my knowledge, for the last twenty years; I ask you now in that character, as a man and a gentleman, if the Protestants of Derry inhabited the Bogside to the extent of making it the Protestant quarter, and if the Catholics were in the habit of twice a year bringing cannon to the Mall wall to commemorate an event which the Protestants down in the Bogside described as having reduced them to the condition of brute beasts, as far as political laws could do so, for the last 100 years, would you, as a Protestant living in the Bogside, like St. I would not like it if I entertained those feelings that I was reduced to a state of serfdom; but I read

the history of 1688 in a different light—that it gave freedom and constitutional liberty to all classes.

5058. You have no hatred of Catholics personally!—No.

5059. You would trust your life in the hands of a Catholic!—Yes.

5060. And would you not trust your life if you were in bed ill to Dr. White!—Yes I would, undoubtedly.

5061. Is he not a man of peculiarly moderate political views!—I have never known him to interfere at all in politics, and, I think, as regards the outer world he knows very little of it. I think he is very studious, and occupies the foremost rank in his profession.

5062. Is not Dr. White peculiarly inquisitive as regards every opportunity he has of asking questions of patients!—Oh, he has been talking to me about architecture.

5063. Do you believe that he overrated the case when in that box yesterday he made a statement of which what I have given you is a paraphrase!—Well, I would not expect an answer like that from Dr. White. I look at the matter on broader grounds. I could understand people who have suffered, in former times, what they ought not to have suffered having that feeling; but those in the higher classes of society I should think would have read history with more instruction.

5064. Mr. Commissioner MURPHY.—But as a gentleman of education and experience, and considering the respect you have for Dr. White—a gentleman of very high education, having means of ascertaining the opinions of a great many of his co-religionists—does not the expression of his opinion very much affect your considerations—do you not attach a good deal of weight to it!—I do; but at the same time I say that the feeling is mingled with surprise.

5065. That may be so; but you attach a good deal of weight to it. Now, supposing that Dr. White's house was situated in the place that Mr. McLaughlin described, and that he came to you at any day after those displays and expressed his own feelings, and said, "You have been firing over my head to-day, celebrating the triumph of such and such a party, it is insulting to me, and if I could I would put a stop to it," would not that affect you now, as a gentleman in discomfiting it!—Its discomfiting!

5066. You might reason with him for a long time—!—I would try to obviate any annoyance that I reasonably could to prevent an over-sensitive feeling being hurt, but I would not be prepared to give up a celebration that I thought was right in itself, and I may state at present that these celebrations are no celebration of triumph. We naturally as Derry men feel considerable pride, and since the publication of Macaulay's history that feeling has been considerably increased.

5067. Mr. McLaughlin.—You would expect from a man of Dr. White's reading more enlightened views!—If he was reported correctly in the papers, I do not think Dr. White would say—I do not remember the exact passage—that the revolution of 1688 reduced Catholics to a state of brute degradation and serfdom.

5068. "Brute" is my word; but you think it is not correct!—I hope not, and I feel now that the Roman Catholics are on a perfect equality in every way, and that now less than ever should they take offence.

5069. Now you know it is the historic recollections that fill the hearts of Derry men, when they think of the noble struggles their fathers made in 1688, that lead their descendants to celebrate these anniversaries!—To a great extent. You know yourself that it is impossible in all large societies to—

5070. And you as a gentleman of education and reading are under the influence of that feeling when you do that!—I feel naturally a pride in it, and I have been used to it from infancy, and my absence from Derry temporarily only increased the feeling.

5071. Then the historic recollections, although the

Examiner Dan.

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Mr. John Gay

Perseus.

KNOWS DAY,
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Mr. John Grogan.

matter that history has preserved for us occurred long since, still have their power at the present day in the minds of the celebrants!—They have to a great extent.

5072. And do you not think that Catholics, although the penal laws have been abolished, still have some recollections of their position on them at a more recent date?—I do not think they have, because they are guided by tradition as we are, and if they look back to 1786 they will find their bishop and leading Roman Catholics taking a prominent part in our celebration; and I am sure that the Roman Catholics are quite as conversant with that fact as with our ancestors in 1688.

5073. Did you find that Dr. White expressly referred to that very time?—I did not notice that, I have seen so many reports so differing from one another, one suppressing one portion and another another—I suppose for the purpose of condemning the evidence.

5074. Dr. White is a man whose ability is very great?—Yes.

5075. And he might instead of going to the profession of medicine have come to the bar?—Yes, he would undoubtedly have been an honour to any profession.

5076. Now, suppose Dr. White, on a train of reasoning, knows that if he had been thinking of going to the bar in the year 1795, he could not go to the bar because he was a Catholic, do you not think that it would be a strange thing that he, eighty years afterwards, should celebrate that, or ask to remain Protestants of that fact?—I do not know.

5077. Do you not think it very unlikely; and, another question—just taking him away from the case altogether, do you not think that the great bulk of the Catholics are, as compared with Mr. White, men that have not education?—Yes, many, I believe that there are a great many.

5078. And do you now believe that the feelings that have been handed down along the stream of time, by tradition, have greater power with that class than with the class that Dr. White belongs to?—I believe that in so with the lower class of any sect.

5079. And do you now believe that this feeling against the celebrants is recent?—Yes, comparatively recent.

5080. I think you confined it to a year, or a year and a half?—Yes, I think I have not seen any extra procession taken on the occasion of a celebration till within the last year or two. Our police and twelve constabulary were always sufficient. They were never seen on the streets at all until within the last two years. There was never an extra police force drafted into town except in one or two crises in the history of our celebration, when there was an attempt to extinguish them. I remember in 1850 there was an attempt made, on the passing of the Party Procession Act, after the unfortunate occurrence at Dally's Door and elsewhere. Mr. Gordon attempted to stop the firing of the guns, and he was attended by Dr. Miller, our present mayor, and the Apprentice Boys were prosecuted, and some of them were sent for trial; but the Grand Jury found no bills; and in 1859 again Mr. Gordon came here, and a proclamation was issued to put the celebration down, and the Apprentice Boys conferred as far as the case was concerned; but Mr. John Hampton, at that time the president of one of the clubs, tested the law by firing a gun, and gained their good opinion for it; and the result was that there was no further interference with us until the last time when Mr. McLaughlin appeared, and the magistrates dismissed the case. So we have survived so far.

5081. Those are all the circumstances that you think it right to mention?—All that I can remember.

5082. Then, in point of fact, Hampton fired that gun through the Party Procession Act?—He did.

5083. And earned the thanks of the party?—He was the most popular man I ever knew, at the time.

5084. Now, you are well acquainted with the history of the Apprentice Boys, I gather?—To a great extent.

5085. You were surprised, I gather, to hear what Dr. White stated as regards the feeling of dissatisfaction that exists with respect to these celebrations?—Well, I didn't feel so much surprise at what he stated as to the celebrations being offensive to Catholics. That was a matter of judgment. But I felt surprised at what he stated with regard to the history of the revolution, as to the way in which he interpreted it.

5086. Mr. Commissioner MURPHY.—You were not surprised at what he stated with regard to the celebrations being offensive?—Not so much so, because that would depend upon one's own mind; but I was with regard to the other matter.

5087. Mr. McLaughlin.—Were you ignorant of the fact that eight or nine years ago, as Mr. Gregg has mentioned, a number of Catholics of some little position, and supposed to know the feelings of their countrymen, publicly appeared in Court to testify to it?—They did, and several appeared in Court that would rather not have come up at all if they could help it.

5088. You are quite right in that. Were they not warned by one of the local newspapers, owned at that time, I believe, by the Sub-Sheriff of the county, that they would be regarded as informers if they came up to give evidence in respect to the proceedings that sometimes were issued for?—Really, without any attempt at evasion, I have not the slightest recollection.

5089. And was not it because they were told that they would be regarded as informers if they swore against their fellow-citizens that they were afraid to come up?—Bear in mind I was there?—I have not the slightest recollection.

5090. You were not in the country, but I was there?—I was there, and I was one of the parties concerned.

5091. Do you not recollect that it was specially pointed out to these people by the newspaper, in your interest, that they would be regarded as informers if they came forward?—Without any attempt at evasion I say, as I have stated already, that I have no recollection whatever.

5092. Mr. Commissioner MURPHY.—Some of them you stated, would rather not come forward?—They seemed reluctant to come forward.

5093. To what do you attribute that?—was it that they would gain odium by it?—Well, I thought they would rather let it alone, and not come forward. There was not any excitement at that time.

5094. Mr. McLaughlin.—But when they did come forward there was no difference between the evidence they gave then and what they have given here?—Well, I heard some at the other side whose evidence was rather favourable, I thought.

5095. I want to know whether you say that all this excitement dates from the 20th of November last, the day of the declaration of the poll?—Yes.

5096. Do you think so?—I do.

5097. But the declaration of 1868 had not occurred in the month of August, 1860?—It had not.

5098. When we had the other procession?—Yes.

5099. I think that was the time of the procession you have been speaking of?—The 12th of August, 1859, happened on a Sunday, and we attended in the First Presbyterian Church, and the Rev. Mr. Smyth preached to us, the present Moderator of the General Assembly.

5100. Now, do you still think that the local excitement dates from the 20th of November?—I believe that this excitement, that leads people to arm themselves, and to threaten the extinction of all opposed to them by an exhibition of force, dates from the 20th of November.

5101. Then you would not think that what took place on the 20th of July, which generally goes before August, had anything to do with the excitement. Would you think that the attack that was made on the Hall had anything to do with it; would you think

that that [producing a badge] had anything to do with it, when there was a forcible attempt to break into the Hall?—I believe that should be put to the category of election matters. In the beginning there was a good enough feeling in the canvass, till after the election was over, because I myself accompanied the Conservative candidate into the Catholic neighbourhood, and he told me once or twice that he was surprised I was so popular with the Catholic party, going about with him; and since the election there has been no more more unpopular. There has been a total change in public opinion, as I can tell by the way in which I am received in various localities.

5102. With reference to the last answer, did you notice any change in the popular esteem between the 20th of July and the 20th of November last year?—Oh, everything was comparatively quiet. I never saw a canvass conducted with more goodnature.

5103. But I am now on the personal fact. You say that the popularity you previously enjoyed, prior to the 20th of November, was afterwards changed, after the 20th of November. Do you apply that also to the period after the 20th of July?—I have been unjustly stigmatised since the occurrence of the 20th July, and I noticed a change of opinion on the part of persons whose opinion I very highly respect; but they were Presbyterians and not Roman Catholics. I may state that one of the magistrates spoke to me about going into the Mayor's office and controverting a statement that I was the leader of the attacking party. It was Mr. Hazlett, now deceased, who was on the bench, that spoke to me about it; and you advised me not to make that statement.

5104. I was on the opposite side?—Yes; you advised me as a friend. The case had closed, you told me, and there would be further proceedings.

5105. And that it would be wise for you, as a friend, not to say anything?—Yes.

5106. An application for a summons against Mr. Ferguson was previously directed, and the Mayor refused it. That clears your mind of the impression against me?—The impression is not at all altered by it. I quite agree with you in your view of it, that that was the reason I did not make the statement; the parties on the opposite side had been friends of mine and friends of mine, and that was the reason I wished to make the statement.

5107. Mr. Commissioner MURPHY.—They spoke to you about the night of the 20th of July?—Yes, and I replied circumstantially; and Mr. Hazlett said I should have made the statement in the Court of Petty Sessions. It was with reference to the evidence of a man named Courtney that I was the leader of that party, and I unhesitatingly declared I was not.

5108. Mr. McLaughlin.—Were you in the room that night?—I was.

5109. In the room out of which the party proceeded?—I was. I was going down to Merville with my wife, but at the request of Captain Stafford I came into the town, and remained here that night.

5110. Mr. Commissioner ELLIOT.—I believe Captain Stafford told you when he went to you?—He did, before the sailing of the boat.

5111. Of course; and you left your wife on board?—Yes.

5112. And he asked you to come and assist him in keeping order that night?—Yes.

5113. That was politely testified?—I do not like to impute any motive to any person, no matter what his position is. Courtney may have seen me there, but he is entirely mistaken. I do not at all deny my having been in the room.

5114. The Merville vessel sailed at five o'clock?—She does.

5115. And it must have been a little before five o'clock?—I was going down Shipquay-street when Mr. Stafford spoke to me.

5116. Mr. McLaughlin.—You then were at the room from which the attacking party proceeded before the attack was made?—I was, and I saw a party of

people there, and they told me they were going to get into the Town Hall. I spoke to them and tried to dissuade them, and those answer was—and I will just state to you in two or three words the whole affair, and have done with it—the answer they made to me was this, that “there was not going to be another Muff’s Glen affair.” They alluded to the proceeding 12th of July when the Orange party had been dissuaded from going through the Glen (and the fact of their not coming up to the scratch was considered by the Roman Catholic party as if they had yielded), and that on this occasion they would not like me to not a similar part in dissuading them. They passed out before me, and I had nothing more to do with it. And I may state, in the same connection, that there were some very prominent parties members of the Apprentice Boys’ Society, but I think at least two-thirds of them were parties unknown to me.

5117. But I believe that those who made the attack were Apprentice Boys?—I do not know. They went down in a body, down the staircase, and I was very much annoyed that I was overruled.

5118. You were there after their return, though?—I was.

5119. You say that your possession filled of its effect, because these people said that the fact of the Catholics having?—No; they said they were not going to have another Muff’s Glen affair.

5120. That was a sort of triumph that the Catholics had?—Yes. As they were going down one man and rather roughly, that they had as good a right to go in and hear Mr. Downes as anyone else, he was applying for their suffrages. I did not see any bludgeons, I may state, at all. When I was on the street afterwards I saw sticks.

5121. Did you not see dozens of these at the Mayor’s office afterwards [producing some bludgeons]?—Oh, afterwards; but at the time I could not tell that they had sticks. When I came out into the street the party was at the Corporation Hall door.

5122. Mr. Commissioner ELLIOT.—Did you see these in the room?—I did not.

5123. At the time you tried to dissuade them from going out did you see any of the parties armed with these weapons?—No, I did not.

5124. Or had you any idea that they were?—I do not know, they may have been armed.

5125. But you neither saw them nor were aware of it?—I believe I saw two or three light sticks; I saw nothing of prepared articles like that.

5126. But I mean bludgeons?—No, but short sticks I mean—three or four.

5127. I did not mean that, I meant bludgeons. But did you honestly that night try to dissuade them from going?—I did.

5128. And was that your object in getting out of the stonemason?—I would rather not have stayed, and I regretted after wards having stayed at all.

5129. That is, because you exposed yourself to observation afterwards?—I did; and as I stated before two-thirds of them were not Apprentice Boys at all; and in a body of twelve or thirteen or fourteen there may be political partisans as well as Apprentice Boys.

5130. You regretted you stayed because it might be thought you were there leading the party?—And I may go further than that, and state that I was in the room afterwards, and that there was an excited crowd of people in the room, and I did not know one-half of them, or where they came from. Previously to this I had had a conversation with parties as to getting the streets cleared, and at that time there were two mobs in the Diamond, and stone-throwing was very free. The police were doing their best, and I saw Constable Kennedy and Mr. Stafford there, and it was suggested that I should try to get those people back into the room, and I recollect that while I was there I was standing on a table, doing a little of the part of a mob leader—at least, I was trying to get their attention, to cause them to keep in the place—when there came a party shouting to the place that the First

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Mr. John Gray
Ferguson.

Western Div.
—
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Protestant Church had been attacked, and that the windows were being smashed. I then went out with the crowd to the meeting-house and the crowd charged to the party down Meetinghouse-row, towards Butcher's gate; and the rush was so great going down, to reach the meeting-house that I was left in the rear of the crowd, and when I got across Society-street the crowd were down, and a struggle had taken place, and I saw the broken panes in the windows of the meeting-house afterwards, and on the parties coming to the Butcher's gate on the wall we were met by Constables Bailey and a party of constabulary, who ordered the party at their peril to return, and I then stated to the party that the police were there now and that there was no person on the wall, and they returned with me then; and that was, practically, the end of it.

5131. Mr. McLaughlin—There did exist an impression, rightly or wrongly, that it was the Catholic party, that had attacked the First Presbyterian meeting-house—I heard it stated that it was done by what was called the Handbills; that was a phrase at that time.

5132. And I suppose that impression, deliberate as it was, that the Catholics did not attack the meeting-house guarded more or less consistently from the fact that the same minister of the First Presbyterian Church was a leading voter for Mr. Downe, and that Mr. Downe was proposed by Professor Smyth, who had previously been a constant minister there. Now, you stated that you did not see any weapons that night when you went there?—Not at the first time. I saw a few sticks. I have before stated that if there were weapons they were concealed; but then it is a different thing if they were concealed. I have not any doubts of it.

5133. You saw some of them afterwards when they came back?—Oh, I saw some of them when they came back; not that poetical article [referring to a noticed blacken], but I saw a kind of short sticks like batons in the crowd. I saw portions of the attack on the Hall from the top of London-street after this party had gone out.

5134. Now, you honestly and fairly gave an honorable promise that there should be no flags displayed or party tunes played or guns fired on the 12th of August?—Oh, no; there was no exception as to flags. Flags were stated in the programme. I am sorry that I have not a copy of the programme, because it stated that the processions were to be preceded by band and colours. It was understood that the tricolour was to be recognized; and Captain Cooke told me that, as far as that programme was concerned, he believed that there would be no interference by the magistracy, and we went over the route; I told him the route we were to go.

5135. Now, what was the route they were to go?—He said to me that he hoped we were not going into the Bogside. I told him I had not the slightest idea of anything of the sort. He asked me could we not confine and shorten it; and I stated that a great part of our celebration, and a part that had been most attractive, had for various reasons come to be left out of the programme, and, in consequence, we must employ the day, and I stated that on those occasions where so many people meet I was always in favour of keeping my party fully employed, not allowing them too much time for refreshments.

5136. What was the route?—I think we went round the walls and made the circuit of them; that could not be disputed with.

5137. That was a nice good run?—And then we came down Bishop-street, through Ferryquay-street, along the Catholic canal, and into Bishop-street, by the Abercorn canal at the junction, up Bishop-street and through Bishop's gate, down through the city and out to the street back again.

5138. Now, is not it a fact that the going of the Apprentice Boys outside the gate is a thing not at all usual?—Oh, we did so before; we went down to the Second Presbyterian Church.

5139. Ay, but unless when you were going to a place of worship, tell me how long it is since the Apprentice Boys ever did so at a previous celebration, what they did on the last occasion?—For the last seven or eight years we have gone through Shipquay Gate. There being a difficulty in getting the gun over the steps at the Constabulary Barracks we were obliged to make some changes, and we have this time gone along the street.

5140. That is while the wall was in course of reconstruction?—No; generally.

5141. Would not a man be telling what was true if he stated that it was the usual practice of the Apprentice Boys to march inside the walls—namely?—Well, do you know the reason we went outside this time?

5142. Is not it the fact?—We kept inside the walls to a great extent for the last six or seven years. We were compelled to go outside.

5143. What were the circumstances?—On the last occasion?

5144. Yes?—There was no street in Derry, hardly, that could have held our procession, we could not turn, it assumed far more gigantic proportions than hitherto. You know this town and the little space it has. As we had no guns and had a procession we wanted to show it off to the best advantage.

5145. And the local excitement increased as you increased—did it not?—Well, I believe, as I stated before, that it is within a very recent period that local excitement has arisen to any perceptible extent. I cannot tell what is passing in people's minds.

5146. But, at all events, you honourably and fairly, and in the full confidence of doing what you said, promised to prevent them playing party tunes or firing cannon?—I did, but I said I would be responsible for no individual acts, and the question was also put to me about the carrying of rifles or arms by rifle companies and the firing of salutes over the gates (that would have been a revival of a very old custom), and I stated that such a thing was not at all contemplated, and that that would not be done, and that no cannon of the Apprentice Boys would be brought into the city or fired, and that no small arms would be fired, which I look on as more reprehensible than the firing of large guns. The firing of a pistol in the street is more calculated to excite than the firing of cannon is.

5147. But on this occasion, the 12th of August, you were powerless to do what you had promised to do?—There was a party tune played on the wall; that is the only place I heard it.

5148. You were there at the time?—I was. The procession was broken up at the time. The procession as a procession was over.

5149. Would you be surprised to hear that there were party tunes played in Bishop-street?—Well, I will tell you two times which I do not consider party tunes, "No Surrender," and "The First of August." One is a march adapted from a Prussian march, and the other is a march of the 18th Royal Irish.

5150. Now, do you think that, if the whole of the human race that understood English were assembled in the Valley of Jehoshaphat, there would be a man there but yourself who would say that "No Surrender" was not a party tune?—I do not think it is a lot more a party tune in that connection than cannon is a party cannon.

5151. I ask you again, would any man but yourself say "No Surrender" was not a party tune?—Oh, I do not believe it is a party tune taken in connection with the city of Derry. I believe "Begone Water," "Craggies Lie Down," and "Protestant Boys" to be party tunes, but that "No Surrender" is not.

5152. Mr. Commissioner MURPHY.—What you say is that this "No Surrender" accompaniment is a local one?—Yes. The reason that I do not consider "No Surrender" a party air is because it is local; it is not in general use, and I have never heard it any place but in the city of Derry.

5153. Mr. McLaughlin.—The words of it are something like this—"We are the boys that fear no noise!"—That is an old version. There was another version made by Dr. McKnight some years ago.

5154. Mr. Commissioner MURPHY.—What was it?—He adapted words to the music in the early days of the—

5155. Mr. McLaughlin.—The tenant-right agitation?—Yes; it was a favourite little nasal.

5156. This tune of "No Surrender" was the tune that violated the compact?—I do not consider it did.

5157. What did you mean awhile ago by saying with some gravity that some of the party did play a party tune, if the tune they played was "No Surrender," which, according to your present gloss is not a party tune?—No, I may state unhesitatingly that "Protestant Boys" was played on the walls.

5158. Did you communicate with the people that played it?—I told them not to play it. I was asked in the course of the day, as I said before, by parties not Apprentice Boys, that some party tunes should be played. I said that I had pledged my honour to the magistracy that no party tunes should be played.

5159. Mr. Commissioner KEENE.—Was that played by the Apprentice Boys' band?—It was not the Apprentice Boys' band. The Apprentice Boys' band did not play that air during the day—not to my knowledge.

5160. Mr. McLaughlin.—The Apprentice Boys' band are very much in blue uniform?—Yes; the Britanniæ and the Hibernia are the two great rival bands.

5161. The Britanniæ band are the band that are dressed like a cross between a heavy artillery man and a light dragoon?—They have a blue uniform which is very like an artillery dress.

5162. Now, did you ever communicate with these people for playing "No Surrender" through the streets on Thursday night last?—I sent word on Thursday night last—(this Commissioner was reading and I did not wish at all to go to the railway station)—I should state that the party were away on the excursion to Omagh, and that I was not with them at all—I sent word to them that I denied it altogether unadvisable that tunes should be played through the streets that night. I sent the message to the railway station. I went to the Curlew-road myself, but I did not wish to go down to the crowd, and I heard them starting playing from the station, and the tunes that they played were certainly some airs that were not party airs, and I came along the constabulary barracks and down by the wall, and I was exceedingly anxious about it on account of the hour of the evening, and I turned down Foyle-street, and joined it up Foyle-street, through the length of the street. I found a large crowd of people, and I thought it was a mixed crowd, but I found that it was nearly all of one class, and I never saw so many—

5163. Of what class were these people?—They were Protestants; they went down to Ship Quay-gate, and passing Ship Quay-gate they played "No Surrender," and then they went up to the Imperial Hotel, where they dispersed.

5164. And they passed through the Diamond?—Yes, they did. I may state also that, until a few years ago, this band was not under any control, though it was connected with the body, and that there was another gentleman who undertook the management of it; and some two years ago, Captain Stafford spoke to me one day on the strand about the practice of bands going out in the evening, and I said I entirely concurred with him that it was a thing that should be altogether stopped. I recommended to the leaders of the band about it, and he did not treat me with very much respect indeed. I had a meeting of the general committee of the Apprentice Boys summoned, and an order passed that on no occasion whatever should the band appear after midnight in the street, and with two or three exceptions, such as the occasion I have mentioned, when they played returning from the excursion, the band has never gone out playing on the streets.

5165. Now, about Derry—you have prevented them

playing "No Surrender"?—I am entirely opposed to any display in Derry, except on two great occasions, the 12th of August, and 18th of December.

5166. In the course of your answer, you specially separated into two portions the progress of that band, from the railway station?—Yes.

5167. You were a little anxious and went down a certain length?—Yes.

5168. And you said they played airs whilst they paraded the street?—Yes; going up Ship Quay-street.

5169. And then they began to separate, and played "No Surrender," and now they did continue playing from the middle of Ship Quay-street, and through the Diamond, and up to the Imperial Hotel, tunes of a character that they had not previously played?—I should have preferred them not to play at all. As far as the playing of "No Surrender," I would much rather they did not play it, but I do not recognise that, however, as a party tune.

5170. There is something about it that would make you think it better not to have it played?—It is identified with the Siege—that is all.

5171. On the 20th of July, doing all you could, you were unable to prevent this attack on the Hall; on the occasion of this procession, doing all you could, and doing it in the fulfilment of a solemn promise, on the faith of which you got liberty to go out through the streets, you could not do it either?—There was no breach of faith by the Apprentice Boys on the 12th of August. It was that brought me into Court—to correct a passing statement of Mr. McGarter, whom I believe to be honest and sincere, that there was a breach of faith. There was no breach of the engagement made, except on the wall by a band belonging to the city. There was no infringement by the Apprentice Boys.

5172. Mr. Commissioner KEENE.—He stated that he was not in town that day, and then Mr. McLaughlin asked him did he read it in the papers or hear it stated that certain things were done, and he said he did?—What I remarked was about the flags, because flags were down in the programme. I will furnish you with a copy of the programme if you think it necessary. I pledged myself as to firing of guns, but individual acts I had no power over, and disclaimed them as a public act.

5173. Mr. McLaughlin.—I think you stated, in answer to a question from the Commissioners, that you considered, in the present state of the law, the ordinary proceedings of the 18th of December and 12th of August perfectly legal?—I do.

5174. And, if the proclamation were removed, you would also consider the firing of the guns?—I would.

5175. And, if the proclamation were removed, you would also consider legal the marching in procession with crimson banners?—Yes.

5176. Not orange?—No; not orange.

5177. Crimson banners and banners with "No Surrender" and all that, and firing on the wall, and marching through the town in that way with music—you would consider all that perfectly legal?—Yes, I would, because we have tested the law on two separate occasions.

5178. Now, would you alter your mind, supposing the tune played by the band of the perfectly legal procession that I have been supposing was "No Surrender"?—Oh, I should think this and I would do this—so as the principle of the celebration was preserved. If exceptional circumstances required a slight suppression of any of its details, or if the magistracy requested a certain amount, in certain contingent circumstances, to be dispensed with, I should be ready, and so, I am sure, would the Apprentice Boys be ready, to meet them to the utmost of their power, provided the principle of the celebration was still maintained—to do all in our power to prevent a breach of the peace.

5179. Mr. Commissioner KEENE.—But as "No Surrender" is looked upon in other places as a party tune?—I would abandon it at once.

5180. Though you would not call it offensive, if the

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Fergusson.

Witness Box.
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Mr John Gray
Presiding.

magistrates thought so you would give it up!—Yes, I would.

5181. Mr. McLaughlin.—You think these processions should continue, notwithstanding the state of feeling outside the gates—going on in that legal way?—I do, I see no reason why they should be abolished. I tell you I do consider the Party Processions Act an invasion of the liberty of the subject. I think every class of people have a right to celebrate.

5182. You disagreed it now in order to celebrate —?—There was another matter on which you put a wrong meaning. It was on the occasion of the examination of Mr. John O'Neill. You overheard me when he was giving evidence about the crowd trying to come through Bishop's gate; I said to Mr. Beaumont, "I wish they had come," and you took it in a wrong sense.

5183. Yes, as if it was used as a threat!—Yes.

5184. Mr. Commissioner ELLMAN.—What was it?—On the evening of the celebration I had an interview with Mr. O'Donnell about the firing of a gun, and he said that all had passed off well with that single exception, and that he was afraid that it would create a spirit of rebellion on the part of the other party, and I said I thought not; and he said that the Hibernia band would come in, and I said I wished they did come, that I would guarantee that there would be no opposition to them. I agree with Mr. Gregg in his evidence.

5185. Mr. McLaughlin.—Then, so far as you can, you will have the usual celebration on the next 18th of December?—I will not answer that question exactly, but I will tell you what I will answer unhesitatingly. There is a far stronger determination to maintain these celebrations now, since the evidence of Mr. McCafferty, than there ever was. I know this feeling is very strong, that these celebrations, if they are to be put down, are not to be put down by an armed organisation, and I think the Derry spirit would be absent otherwise. I think we ought to be protected.

5186. You think, that so long as the procession is legal, the authorities should protect it?—I believe they should, and I believe they should protect anything legal.

5187. Do you believe that the authorities should protect you on the 18th of December next?—They should.

5188. Although, with reference to the evidence of Mr. McCafferty, there exists a stronger determination than previously existed to put it down by force?—I believe that is the feeling of the Protestants of Derry. It is not an unusual feeling when you read of 700 or 800 revolvers, and 5,000 organised men. I think we are not just exactly the class of people to be put down. I think that is calculated to increase the excitement, and that there has been a great increase of excitement.

5189. Mr. Commissioner MURPHY.—I think you and a great many would be fired with the notion that "We won't be put down in this way," and "We won't be afraid of them," but supposing you, as a sensible man, attached any belief or credit to what is stated by Mr. McCafferty, and apprehended that there would be an armed opposition to it, do you think it would be worth celebrating such an event to have more civil strife between persons who are not natural born enemies one to the other, between fellow-Christians living in one city—do you think it would be worth while celebrating such an event, no matter if it were the greatest in Europe?—Well, if it were legal I would not be a party to consenting to an abandonment of the celebration.

5190. No matter what the consequences?—Well, I think the authorities are the parties who should protect us. Then, no matter how successful a thing it is in itself, or the contrary, people are not to take the law into their own hands and crush it by force. But I will candidly tell you that I feel that the Apprentice Boys will not surrender the celebration; they may modify them to some extent, but still, especially after the evidence that has been given, I believe they will not give them up.

5191. What would be the consequence if, on the next 18th of December, the authorities did not interfere, if there was no military or constabulary force here (your celebrations may be a great source of gratification to you and others, but yet the authorities of the country are not bound to maintain them, at least one does not see any moral responsibility thrown on them to incur so much expense—if it was nothing further than an illustration); supposing now that the authorities said on the next 18th of December, "We shall have no constabulary force here; we shall not interfere, celebrate your event as you have been used to hitherto," and if you thought then that there was any truth in what was stated by Mr. McCafferty, what would you think would be the natural consequence?—I would go on with the celebration.

5192. Suppose you did, what would be the consequences?—I would keep it in such a way—I would leave out of it anything that would be calculated to give offence; I would dispense with the playing of tunes, or going outside the walls.

5193. Do you think there would be any armed opposition?—I do not.

5194. Then it comes round to this, that you attach no importance to what is stated by Mr. McCafferty and other witnesses?—I believe it is slightly exaggerated.

5195. And, if you believed that there would be armed opposition, and that that would cause in consequence of it, would you then permit it?—I cannot say. The parties that I see with are parties that generally act and think for themselves. I only exercise a certain amount of legitimate influence with them, but it is by the vote that all these things are determined; and if I might state candidly my opinion, I believe that the opinion of two thirds of the Protestant population of Derry would be, "Do not abandon the celebration."

5196. But, supposing the 18th of August came round, and that that event was being celebrated, and that those who were engaged in the celebration were encountered by armed opposition, and that a conflict with deadly weapons caused between the two parties, and that two of your men were left dead on the wall after that conflict, and two of the opposite side, and that you came over the dead bodies there, what would be your opinion that evening?—My opinion would be that the magistrates and authorities were to blame in not taking the necessary precautions.

5197. In not taking the necessary precautions? But tell me this—When you had looked at the men there, your own fellow-citizens, lying cold and stark and stiff on the summer evening, would not you regret all the days of your life that you had not exerted yourself that morning to prevent that celebration?—I cannot look upon it in that way at all, sir. I should regard as wholly and solely in fault those that had made an armed invasion upon a peaceful body of celebrants.

5198. Suppose I go with you to the fullest extent in that, that the other parties were in fault in daring you, but still—these are the consequences of this day's celebration, and what would your own conscience say to you looking at them—would you celebrate the 18th of December following, thinking the same consequences would ensue?—I would not, but I would not meddle from the position of a celebrant.

5199. I know that you would not if you thought that your pride and honour were involved; but still —?—I certainly cannot see how I should be a party to—I am engaged in a peaceful celebration of an event celebrated for the last 120 years, we are doing that thing which we have always done, these people taking the law into their own hands come as an organised armed mob on a party without arms, and in the exercise of what is undoubtedly a legal right, and the celebration would not be that.

5200. But do you think that if you could have prevented the celebration yourself, you would feel in your own conscience exempt from all blame?—I should feel an amount of responsibility; but there are certain

positions that a man is to take because there are great principles of liberty involved in them.

5201. And do you think that your principle is so much at stake that you are free to celebrate it, no matter what the loss of life may be?—I think there are greater matters at stake than that, because I think that if everything is yielded, even the right to meet and celebrate an event, other demands will have to be met—perhaps the wall itself taken down shortly or Walker's Pillar.

5202 Mr. McLaughlin.—Did you ever hear that suggested?—I say that with this yielding to everything every little demand is made afresh.

5203 Mr. Commissioner EHRMAN.—You say now that as long as it is legal you and the Apprentice Boys look to the protection of the Government?—We do; but we consider that the force of police brought here on recent occasions were not at all required. There was nothing in our experience to require it.

5204 You assume that the law will be carried out by the Government, but suppose, as my friend put it to you, that you were assured that no police would be here at all, would you think it more advisable not to hold that demonstration, and to appeal then to the constituted authorities?—I do not know what action would be taken by the body, but I believe they would hold the celebration as usual. They have done it without any police force here.

5205 Is it or is it not your opinion, that it would be more advisable, in all and every part of this country, from Cape Clear to the Giant's Causeway, to put down demonstrations of every kind?—I think that the demonstrations being held at present in the South of Ireland are most distasteful to the loyal population in the North.

5206 Then do you not think it advisable to put down demonstrations of every kind, which may give offence, or do give offence, to other people?—No, I think that every party should have the right to celebrate their anniversary under certain restrictions, so that there should be nothing offensive to other parties—that both Catholics and Protestants should have a perfect right. I do not think that the Party Processions Act would be tolerated in any other country but Ireland.

5207 Mr. Commissioner MURPHY.—You said provided that there should be nothing offensive to other parties?—No, I said provided that no insult was offered. I believe that if a person utters an offensive abuse or plays an offensive air that that is wrong—or yelling or cheering at persons of a different political opinion; because those are things in a procession calculated to make it offensive.

5208 Mr. Commissioner EHRMAN.—You stated that you yourself took the precaution of getting a resolution passed against band playing in the street?—I did.

5209 You think it would be right to put that down?—I will tell you why. Here is a book of the rules and regulations of the Apprentice Boys, and the celebration is only on two days [hands in book of rules and regulations].

5210 There is another matter to which I wish to ask your attention. You have already stated to-day here that you came to answer any questions that we might think right to put to you. I do not know whether you are aware that it was stated here that some time in the course of last year you made a personal threat yourself with regard to—?—Shooting?

5211 With regard to shooting, I believe?—I was—

5212 I want to know if you did that and if you wish to give any explanation about it?—Well I do not know; I cannot at all tax my memory with having made use of that expression. I have repeatedly gone into Mr. Hempton's shop to buy my illustrated London paper, and we have had a great deal of talk about many subjects, a great deal of what is vulgarly called chaffing, but to the best of my memory I did not say that, and I do not know there is any of my Catholic fellow-citizens who would at all tax me with

such a thing. I recollect on one occasion I had a conversation with Mr. McOfferty in Mr. Hempton's shop, and Mr. Hempton was present—on the occasion of the riots in 1898. It was all about a covered car that had been stopped at night in Foyle-street by some of the Dowry party. Mr. McOfferty said he was glad he happened to be there, because Lord Clonane was in the car with Mr. John Munn, since deceased, and he was very happy to be present to prevent him being annoyed. I asked what right had they to stop a covered car at midnight in the street with a body of ruffians. He said they had a perfect right, and I said they had no right, and I said that a man was entitled to shoot another who should stop him under such circumstances, with a revolver; and he said that I had no right to make use of such an expression as that; and I said that when a party stopped a car at midnight it might be lawfully assumed that personal violence or robbery was intended. That is all I ever remember having occurred in Mr. Hempton's shop. But I remember conversations having occurred between Mr. Hempton and myself, when I went in for the paper, about the election, and the constabulary—I had always kept on friendly terms with Mr. Hempton—and we talked about growing tobacco.

5213 But the statement made was that you said that in a certain event the Apprentice Boys would shoot down the Catholic clergies?—Well, I do not remember having made use of the expression.

5214 Mr. McLaughlin.—Will you say you did not?—I do not believe that I could be capable of making use of such an expression—so gross.

5215 Mr. Commissioner MURPHY.—Did you say any such thing seriously?—No—never.

5216 Mr. Commissioner EHRMAN.—Was there such a thing contemplated?—Never, I should be content to take the most solemn oath as to that.

5217 Mr. McLaughlin.—Let Mr. Hempton say what he says he said?—I am positively certain that I made use of no such expression as what was attributed to me.

5218 You had no such intention?—I made use of no such expression as what is attributed to me. There may have been something capable of being twisted; but I never made use of such an expression as that.

5219 Mr. Commissioner MURPHY.—Did ever any such thing enter into your contemplation?—Never, no help me God.

5220 On the Apprentice Boys' to your knowledge?—Never, they had no means of doing it. I attribute the excitement that has occurred to the elections, and not to the celebrations. There has been no inquiry at all as to those occurrences that took place on the 2nd of November, nor the riot which resulted in the loss of life, and I think I am in a position to throw some light upon those matters. There is something in regard to the gun-room, and the loaded cannon, and the state of affairs there, that I am quite competent to speak to you about, and also in regard to the night of the riot, when I was thirty feet in front of the men shot, when I saw the constabulary firing—not at constabulary. I could not identify them, but I saw the flash of the guns.

5221 Mr. Commissioner EHRMAN.—About that night, and about those guns, will you tell us what occurred?—The evening of the election—I went to state in justice to the party with which I am connected—on the evening of the election, when Lord Clonane's prospects of success had altogether vanished, about four o'clock in the evening, at the committee-room, he asked me to use my influence with the parties who were friendly to him, and the working classes, to retire to their homes. He said he was most anxious that nothing in the shape of violence should occur. There were four or five hundred sympathisers with his party that I took down a lane to the rear of the Imperial, to this gun-room, and I suppose you know it was used partly as a gun-room, it was formerly a coach factory; and I took this party down there and dismissed them, and begged of them to return home,

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Mr. John Gray
Jurgans

Journal Bar
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—
Mr John Gray
Burgess

sisting that an express injunction was laid on me by Lord Clonville Hamilton to that effect; and there was a crowd or procession with tar-barrels came up Bishop-street, opposite the Imperial.

5222. Are you speaking of the night of the election?—Of the night of the election. I was standing on the steps of the Imperial Hotel, and one of the stones fired from that crowd as they passed struck me. I addressed the crowd in front of the hotel, who were very much excited from the crowd passing, and begged them to go home.

5223. Mr. *AP Loughlin*.—The hotel was Lord Clonville's committee-room. You; I asked them to go home, and the tar-barrels passed, and some very excited individuals mind out, would that be allowed, or something of that sort. However, I and some other gentlemen asked them to go home, at the request of the defeated candidate, and at this time I had dismissed this party from the gun-room and returned to my own house, and was sitting at tea with my wife and family, when my house was smashed in, and a tar-barrel was thrown into the hall. The hall-door was smashed in; the panele were smashed in.

5224. Mr. Commissioner EHRMAN.—Do you mean a lighted tar-barrel?—A lighted tar-barrel. I had gone home very much indignant after the day. There at 9, Queen-street, immediately opposite Mr Hogg's factory. I came out, and, in consequence of what happened, there was a guard of police came down, and I went up to the Cathedral, where was a party of very respectable people, with the two clergymen, guarding the tower of the church, and I then went to the gun-room, and was informed that there was an attack made upon it, and a great deal of glass broken by stones, thrown by this procession with tar-barrels, on the wall. If they got at the guns, they could easily have run them out into the street. There was a great deal of excitement at the gun-room that evening, and I was myself a good deal excited by the progress of events and the fatigue I had undergone that night, and I remember clearing that room out, and I remember there were drunken individuals in it—some of the tagging that always follow in the wake of an election, wanting money and drink—and I was disgusted with some of them, and took some of them by the neck and flung them out of the room. Some quiet people who were present said that they and apprehended a recurrence of the attack, and I made a representation to Captain Stafford, that a sufficient force of police should be put upon those rooms, and I would have the rooms cleared out, and they were cleared out, and I am prepared to state unhesitatingly that there were no guns loaded on that occasion. I know it for the very best of reasons, that I tested them afterwards.

5225. Do you mean the same evening?—The same evening. I put the muskets into three or four guns that were mounted. There were fourteen or fifteen guns in the place, and there was hardly room for them, and there were three or four of them in a mounted position, and those are the guns referred to, and there was a number of bricks in the room, and a number of pieces of crockery in the room. I remember that distinctly; and I remember that several of the bricks were gathered up in the windows, and put there to repel those outside; and they had more faith in them than in the guns.

5226. On the next night were you in town at all?—On the next night, Saturday evening, after the declaration of the poll, there was a scene in the court-house here, and some of Lord Clonville's supporters were thrown at and badly used by the mob, and I was myself attacked, and escaped through the kindness of political opponents. On that evening a large crowd attacked the gun-room again, and it was with the utmost difficulty that the police succeeded in preserving them, and at the time the attack was made I was engaged in giving some money to some parties engaged in the election, and word was brought to me by a party on whom I could place implicit reliance, that the gun-room was

again attacked, and on that evening, after I had settled my financial affairs, I went up, and I found that in Society-street the windows of the Protestant residents had been broken, while the Roman Catholic houses were not touched. Our room had been attacked, but there was very little glass in it to smash, and the guns were broken, and we had them barricaded up. Under those circumstances, I got some people that I could have some dependence on, that were neither drunk nor working in intelligence or moderation, and made arrangements with them to remain in the room that night, and take what precautions were necessary for the defence of the place. As to whether they loaded the guns or not I cannot say, but I say this, that there were seven or eight people of a quiet, determined disposition, that could be depended on, placed there in the possession of the room during the night, with instructions from me to allow no fellows in there who were drunk, and I can mention the names, if you please, because the names of the parties that were there are a sufficient guarantee that they would not do any overt act except in self defence. On Sunday evening, after returning from Church, coming up through Waterloo-place again to the town, I saw a body in military array, who came up through the city; they were supporters of Mr. Dowse, and they turned and they came up through the streets and passed through them, three or four deep; and I went to look for the stipendiary magistrate, Captain Black, but I missed him, and came down to where Head Constable Bailey I was told was, in Mr. Warrack's; and at that time this body, led by a man who was convicted for it, and suffered two months' imprisonment, came down Society-street towards the gun-room. There was no excitement in the street, nor one of our party in the room at the time. When I was going to Bailey the respectable Roman Catholics were running past, and they shouted—"Hurry, get the constabulary, or you will be too late; they are getting the cannon out into the street." I went up, and the constabulary, under Captain Stafford, arrived, and were placed facing the mob, the magistrate was arrested; one constable, I am sure, got a severe wound. It was with great difficulty Captain Stafford got the mob thrown back out of that street, and, at my request, he put a sufficient force on to guard the room. Now that is the history of the affair, and I think it right to say that our room was attacked on three several occasions. Now, as to the 9th of February, it was merely stated by some witness that a determination had been expressed by the inhabitants inside the town, that if that procession came in they would defend themselves. I told the late Mayor so.

5227. Mr. *AP Loughlin*.—By the inhabitants inside the walls, do you mean the Apprentice Boys?—The inhabitants—the Apprentice Boys if you like. I told the Mayor they would protect the gun-room—would protect their property.

5228. Mr. *AP Loughlin*.—The idea of calling the Apprentice Boys the inhabitants inside the town, when there are a large number of Roman Catholics inside the wall, is really too good!—The Apprentice Boys are a portion of the inhabitants.

But they are not all the inhabitants.
5229. Mr. Commissioner EHRMAN (to witness).—No matter. Do you say on the 9th of February you apprehended another attack on the gun-room?—We were attacked, as I said, on three several occasions.

5230. But you say you informed the Mayor of that attack?—I did, the night before.

5231. And measures were taken to prevent the procession coming in—certainly; were placed on the gate?—Yes. They did not come in that night.

5232. Mr. Commissioner MURPHY.—We need not go into further particulars as to that. Come now to the 28th of April. Were shots fired that night in the street?—There were.

5233. Were the shots fired before the policemen fired?—I heard not where the policemen were. The shots that I heard fired were in Society-street, after

eight o'clock in the evening. I was in my office, when I saw what is called the Fenian Band—the Hibbernia Flute Band—come up, followed by a crowd. I should tell you that in the early part of the day the Apprentice Boys fired a salute of honour on the arrival of the Prince, as he passed through Bishop-street. He had come down from the railway by Abchurch-lane. Intelligence was brought to them on the Wall that there was a party at the railway station with a flag with a harp without a crown, and a number of the Apprentice Boys instantly refused to fire the guns. They stated their dislike to be employed that way. They would sooner be an escort, or continue with the Prince, and preferred to get off firing the salute. At my request I got them, somewhat reluctantly, to come back, stand by the guns, and fire the salute, and accordingly the royal salute of twenty-one guns was fired when he entered the Corporation Hall, and after the presentation of the address twenty-one rounds were fired. They then came down Bishop-street, and stopped opposite the Imperial Hotel, and the Tradesmen's Band, which I don't hold to be a party organisation, which I don't at all class with the Hibbernia Band, came inside the gates. I believe that band to be exclusively of tradesmen, but it has never been accused of any party prescription of one kind or another, nor do I believe that they play tunes which give offence to the Apprentice Boys—the Protestant party. It is desirable I should tell the Court about the carrying of this flag. A number of respectable officers told me afterwards that they were almost about to tear it into shreds. I will not mention names, but one of the parties was formerly in Her Majesty's service, and I believe it was on that account he said it. I was in my office, about eight o'clock in the evening, when this band, carrying the flag they had in the earlier part of the day, passed. Some persons before that had told me this band was going out; and I sent the Britannia band some money to get a glass of ale—that is the fact,—and I told them to go home and take off their uniforms, so that their going through the town would not create any excitement of animosity. Well, as I said, I was in my office, about eight o'clock, when this band passed up, playing "Patrick's Day." They came up Bishop-street, and passed through the Diamond, where there was a large crowd (previous to this the town was perfectly quiet), and as they passed through the Diamond there were shouts for "The Irish Republic." It passed up towards the Imperial Hotel. I saw a number of parties with girls across the flag, and knowing there was no necessity for the flag to be out, and feeling that perhaps some fighting would go on, I came out. The greater portion of the crowd passed along and went towards the Wall, some of them accompanied by female friends. I was then, I believe, at the Wall when I heard those shots fired, which was the first part of the transaction. On the return of the band it went out of the town through Butcher's-gate, and the result it left after it was excitement and rioting between that and halfpast nine o'clock. I went up at one period to the Corporation Hall, where Sergeant Kennedy and a force were drawn up alongside the Reading-room, and I asked them to come with me to try and avert bloodshed. One or two parties opposed to me in politics and religion were present, and they can corroborate me if necessary. The police refused. They said they had been badly treated before, and they would not move without the order of a magistrate. I went three times to the Imperial Hotel. The hotel-keeper promptly refused to take a message. I saw Mr. Stafford and Mr. Thompson there on the last occasion. Previously I had gone to the Wall, and I found it completely quiet. I heard party cries—political ones. I heard one side shouting for Deane, another for Hamilton; but I heard no cries of "To Hell with the Pope." I heard exclusively political cries.

5234. Mr. Commissioner ERMAN.—As far as you heard it—As far as I heard there were no cries that could be identified with anything but politics. When

I went to the Wall it was a little before eleven o'clock. It was completely quiet. There was no crowd at Butcher's-street at all, as far as I could understand. I went to the Imperial Hotel again, and seeing there Mr. Thompson and Mr. Stafford going down towards the Corporation Hall, I went on the Wall and acted with Mr. Thompson and Mr. Stafford in calling the parties off. Captain Stafford thought they had gone into the gun-room. Unfortunately, I myself prevented them going in, for the obvious reason that I did not want a crowd to congregate there; but I thought of the guns at ten o'clock, and that there was a possibility of some of the parties getting them out. This was after ten o'clock. I succeeded in getting them away, and they went down Society-street cheering. I came down the street towards the Diamond, in the rear of the crowd, talking with some persons, as well as my memory serves me, not connected with any party, but a young man in a commercial establishment. At the end of the Diamond, in the street, we came to a temporary halt, and I crossed the street. I had a view of the crowd as they turned along the foot-path, and there seemed to be like some people between Hagerty's corner and the Corporation Hall. There might be a large or a small number; and those that were in front called out, "Put them out of it," and there was a little rush of the party towards the corner. I ran backwards, keeping by the gutter, till I got in front of the crossing, where the men were shot, and immediately in front of the crowd. My object was to prevent a collision between the parties. I found no one in the Diamond. I would say as one except a few running on by the corner, but I saw no opposing crowd. I saw dark figures down towards the lower end of the Diamond. There is an iron railing connected with the Corporation Hall, and I was standing beside that railing peering into the Diamond, at least thirty feet in front of the crowd, which, in my opinion, never went over the crossing into the Diamond proper. I was in that position when the firing commenced. I was perfectly innocent of any intention of firing, and I was not at all disconcerted. I saw eight or nine men immediately in front, and I saw the flashes; and then I saw two bodies lying across at Butcher-street, near to Hagerty's or Donaghy's corner, and another lying extended on the crossing. Instinctively I thought the men were dead.

5235. Mr. Commissioner ERMAN.—Before you heard that firing had you seen any flashes from the people?—There was not. There were two or three dropping shots before—they came from the same direction—then there were six or seven shots. I could not make it out at all. I had not the slightest idea at the time that the constabulary were firing, and when I turned round and looked I saw the bodies lying on the ground.

5236. I would wish now to ask you a question about the local force. Is it the fact that the local force have acted as the vanguard of Apprentice Boys' processions?—Never. I never saw them as the vanguard. They have acted, on various occasions, in the preservation of order as they should do.

5237. Have the constables ever walked in front of the procession?—I remember some six or seven years ago, when there was a great crowd, some of the constables were in front of the procession, clearing the people out of the way.

5238. They were not protecting it?—They were there merely in the exercise of their duty.

5239. Mr. McLaughlin.—In all these transactions, you have volunteered to tell us about, it has happened that you were there?—I was. I am speaking from my own personal knowledge.

5240. You say when you heard the shots in the Diamond you were not disconcerted?—I was not. I did not think it was the constabulary. I did not think till the firing began. What I mean to say is this—I was not personally disconcerted. I did not think that the shots—that there was danger I would be shot myself.

5241. Then, shots fired that way were so usual from your experience of the last six months that they

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—
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Fergusson

Known Day
—
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Mr John Gay
Ferguson.

did not disconcert you in any way?—They might if I was in the party.

5242. You were thirty feet in front of the crowd?—I was twenty or thirty feet from the crowding where the men were killed.

5243. In front of the advancing crowd?—At the time of the firing I cannot describe my position.

5244. Would you think it a great distinction that people, who do not know the real facts, should think you were there as something in the nature of a leader?—I was not in front of the party on their approach to the street, but in the rear, and until the cry was raised—"Put them out of that, boys," I did not come to the front; when that was said I ran to the front of the crowding.

5245. Is it not the fact that you are one of the accessories for Barker?—I am.

5246. Is it not the fact that you had charge, to a great extent, if not exclusively, of the prosecution in which Mr. Rea appeared for Maserfield as the Mayor's object?—For the first three or four days; during the whole of the rest of the time the expenses of the investigation were paid out of a fund of which I was trustee.

5247. Now, with respect to these drunken and ill-conducted men that were with the cannon—they were there?—I called them out, and they came out; they had no more to do with the Apprentice Boys than you have.

5248. But, as all events, they were drunken men? It was just on the night of the election—there were drunken bawling fellows following me through the town in every direction.

5249. You had charge of the financial matters?—I was not so financially engaged as Mr. McCafferty.

5250. You had a good deal to do with the election?—I had, but I did not consider myself in the light of an agent. I acted from principle; not for pay.

5251. From mere love and affection and for the love of the thing?—Well, from principle, and personal attachment to the candidate.

5252. The Bog-side party could easily, you think, get down the street and run out the guns?—No doubt, very quickly, and we were very glad to get protection.

5253. But those inside the room could run them out just as quickly?—They could; but when run out they would meet a black dead entrance-wall within six or eight feet.

5254. Suppose they were run out within a perch of the dead curtain wall?—Well, suppose they were.

5255. Would they not be near the front of the city wall?—I think you want a little engineering turn—that is to say, if they brought them out of the door and fired them in that position; why, they would have killed themselves—that is all they could do.

5256. Pardon me. If brought out and turned any way you like, could they not be made in one direction to command Butler's gate and the other way Blake's gate?—They could.

5257. Did not Inspector Stafford say that on the 16th of February the Apprentice Boys' party in Society-street, when the Catholics were running down Bishop-street, were in such force that he had to drive them back at the point of the bayonet?—I believe he is correct in that statement.

5258. Were you there at that time?—I happened to be unwell immediately at the time that occurred took place, but I may tell you that the Apprentice Boys, or a portion of them, thought they were very badly treated by the police. The expression some of them made use of to me was that they were charged with the bayonet, by Captain Stafford, at the very time they were going up to prevent the police being murdered at Bishop's-gate. There was an attack made by the prosecution on the police, and they sustained very bad usage. Men came running to Society-street saying that the police were beaten back and attacked by the Bog-side mob, and the Apprentice Boys, or some of them in Society-street, ran up to save the police, and were charged by them.

5259. The Apprentice Boys suddenly appeared in the room, they not being there before?—They were in the room. As I said before, I told the Mayor before that I anticipated an attack.

5260. You put the runner into the gate to see whether they were loaded or not?—I did.

5261. Why did you do that?—I thought it was a precaution to do it, because I was not always in the room during the time, and I will not conceal that some very hot people were for charging the cannon, and I got the room clear of all those excitable individuals—people, the majority of whom were not connected with the body at all—people with whom I had nothing to do, and whom I put out of the room for they were a disgrace to any society—the lancers-on at every contested election.

Mr. Commissioner MURPHY.—We have had evidence of these particular shots before, and really the evidence given by Mr. Ferguson now is only in explanation of his own conduct, to show he had nothing to do with the loading of the cannon, and that he does not believe they ever were loaded at all.

5262. Mr. McLaughlin—I would think it important to ask the witness whether all the cannon were on the same floor in the coach factory?—I think they were.

5263. At all times during the excitement of the election?—I should say that some of them were up stairs.

5264. Do you believe they were?—I don't believe they were.

5265. Did you hear it stated publicly that the upper room was shored up, the house weak and old, and that the meetings of the street committees were held in the two upper floors, and that guns were there too?—No. I was often on the upper floor, and I never saw guns there.

5266. Mr. Commissioner MURPHY.—You did not direct them to be taken there?—No.

5267. Nor did you see them?—No. It would be nearly impossible to take them up or down the stairs, the place is in such a wretched state.

5268. It is right, I should say, with respect to one matter that was in issue before us, namely, the part you took in the transactions on the night referred to. Mr. Stafford and the constable stated that you aided them in the preservation of the public peace, and I must say your conduct forward yourself and making the explanations which you have made confirm that statement in the fullest manner, and we are very glad to find that you had no part either in the firing of the pistols in the street or the loading of the cannon, which, if it was a fact, is certainly a very alarming proceeding?—I certainly had no share at all that these guns were ever loaded in that room.

Mr. Commissioner MURPHY.—I think it is only fair to say that, as Mr. Ferguson is the commander of the Apprentice Boys' party. But as to the note they did—certainly some of the acts disposed to would I hope make him think it would have been more desirable if he had not been their commander—and whether for the future he would not disassociate himself from them.

Witness.—I will give you my candid opinion that I never saw anything in the conduct of the Apprentice Boys that would make me at all anxious to disavow my connection with them, but very much to be proud of. I think there is not a better conducted and more moral set of men in similar societies, or in the world.

5269. Mr. McLaughlin.—Is it not the fact that there are many persons who with their sons or relatives had never seen the society, from the facilities for getting drink, being set late at night?—I—No doubt, there have been parties connected with the Apprentice Boys who kept open houses for young men of tender years, brought them into places and gave them whiskey. I believe it is notorious that such things have been done, but that does not apply to all. I have known a young man's father to come to me and ask me to keep him out from the meetings, but I never saw him at the meeting, but there were years ago certain parties connected with the body who made a practice of keeping those young men at their houses and giving them whiskey, and that, no doubt, was most reprehensible.

William Thompson, esq., J.P., examined by Mr. McLaughlin.

August 20.

William Thompson, esq., J.P.

5270. You are a magistrate of this city, and have been so for some time?—I am, for some months past.

5271. You have resided for a long time here I believe?—For about forty years.

5272. And I suppose had many opportunities of knowing the state of feeling among the different persons residing in the city?—To a certain extent I have. I am a close man of business, and I attend to my business.

5273. You have heard a good deal of the evidence given here?—I read a good deal of it, and I heard a portion of it.

5274. Having heard the evidence then, or read it, and forming an opinion upon it, as a gentleman of experience in the city, who, I am sure, is anxious for the peace and well-being of the city, and that the members of all different communities should, as far as possible, live in harmony the one with the other, what is your opinion with reference to the continuance or discontinuance of those proceedings—in the first place, do you think they give offence to the Roman Catholic people?—I have no doubt that the Roman Catholic population do take offence at them.

5275. Do take offence?—Yes, and I think it would be a great misfortune for the town if these celebrations were put an end to.

5276. And of course the celebrations at the other side too?—I think if both parties could come to an understanding in reference to their discontinuance, it would be the best thing that could be done.

5277. That is for neither party to have any insulting display?—Yes, and I think that could be best done by the parties uniting together and arranging it, without an extraordinary enactment towards Derry at all.

5278. Don't you think reasoning among themselves would lead them to the abandonment of these displays?—I think it would—these outer displays.

5279. And you think it would be desirable to have that done?—No doubt of it.

5280. I suppose you concur in the proposition for the substitution of constabulary for the city force?—I am myself a member of the Corporation, and that is a question that has been before us frequently, and we did consider it would be a beneficial thing to have done three years ago, and I am still of opinion that the local force are not as efficient as they ought to be, and if we had a proper arrangement with Government, to give us the constabulary at a moderate cost, I think it would be of great advantage to the city.

5281. So far as the local force are concerned are they as efficient as they ought to be, as an organization who are not armed or properly trained?—They are not; but, so far as the discharge of the duty coming under their particular line is concerned, such as watching the town and preventing burglaries and larcenies, they have been effective, I believe, and have done their duty as well as they could.

5282. Mr. Commissioner MURPHY.—I think that a very satisfactory opinion to have expressed of the police.

5283. Witness.—I was just going to refer to a statement made at the beginning of the proceedings by Mr. Hampton, where he charged the magistrates with partiality. My opinion is, from the time I first took my seat on the bench up to the present, I never saw anything but the greatest care evinced by the magistrates, in the investigation of cases, to discover, if possible, who was to blame, and which were the guilty parties. I don't suppose that every decision they pronounced gave satisfaction to all parties. I suppose, in the highest Court of Law in the land that would not be the case, for the defeated party is generally fond of finding fault. Mr. Hampton complains particularly of the Lord Mayor and myself, for having found fault with two constables for arresting a man. The facts are these:—A man was brought before the magistrates,

and Mr. Hampton preferred a charge against another man for firing stones through his window. This man that was brought before us did not seem to have taken any part in the offence, and what we blamed the constables for was not arresting the man who threw the stones. The fact was, the man who did throw the stones ran away, and the constables arrested a man that was standing by his side. Mr. Hampton said this man was in company with the other, but he gave no positive proof, and we thought it would be rash in us to treat the man, who was merely standing quietly by the side of the other, as if he was the person who was guilty.

5284. Mr. Commissioner MURPHY.—That is what I thought myself. You could not say that the case was proved sufficiently clear to warrant us in sending it before a jury in a box. However, Mr. Hampton went further, and said that the constable was ordered by the magistrates, but now, when the facts are detailed to us, it bears a different complexion—that what you censured them for was for not arresting the proper person?—Exactly, for not taking the proper person, and arresting a man who was merely standing by the side of the man who threw the stones escaped, and this man did nothing.

5285. You are a Conservative in politics, I believe?—I am.

5286. And Sir Edward Reid is a Liberal in politics?—I believe he is.

5287. And Mr. Tille is also a Liberal?—He is also a Liberal.

5288. He gave evidence concerning with you as to the society of the magistrates to fire at they can to do their duty, but with reference to the impression being abroad that the magistrates are not impartial, do you think there is such a widespread feeling as he heard of?—I never heard of it until in this Court, and I think the magistrates are doing a great injustice to. I believe, than the magistrates in Derry, in the discharge of their judicial functions, none could be more impartial. I never heard the contrary even hinted at.

Mr. Commissioner EHRMAN.—Of course we could not help the evidence being given; but we are now giving the magistrates every opportunity of clearing themselves.

Witness.—I think it is a very serious charge, and I think it important that the magistrates, above all others, should be kept above suspicion, otherwise, I think it would leave a very bad impression in the country. Another case mentioned by Mr. Hampton was that where a man was fined 10s. for striking him. I was not on the bench on that occasion.

Mr. Commissioner MURPHY.—The fact was proved, and the magistrates convicted and fined him 10s.; and the only question is whether they should have imposed a larger fine, or sent him to prison without the option of a fine; of course we look at the thousand things that must operate with magistrates. In the first place, if a man's parents are respectable, and he has never been brought up before, they may not like to send him to goal for the first offence, and would rather inflict a fine, and perhaps they considered a fine of 10s. sufficient. There are a thousand and one things of that nature that must operate on the minds of magistrates. But with respect to the case of Barker, who was admitted to bail on the production of the information, it appears that the man was not charged with wilful murder at all; and I think it was a case in which one magistrate might fairly think it was a case for bail, and another that it was not.

Witness.—It was just such a case, and there was a difference amongst the magistrates.

Mr. Commissioner EHRMAN.—And you thought it was a case for bail?—I did; and Her Majesty's Government thought the same, for the man is out yet.

5289. And you allowed him out on bail?—We did, on solvent bail.

5290. Mr. Commissioner MURPHY.—Do you think,

EXHIBIT D.
August 26.
William
Thompson,
Esq., J.P.

considering the state of things, and the bitter party feeling prevailing undoubtedly among certain parties in this city and borough, that, in cases having a political character or aspect, a stipendiary magistrate should be allowed to act alone. I mean that the other magistrates, as Mr. Tille said, would prefer he should act by himself in such cases, and that that would be more satisfactory to the magistrates for a short time!—That the stipendiary should decide solely!

5291. Yes; supposing you were on the bench and a case of that kind arose, that you would allow him to act by himself?—Well, I do not know. In any case where I acted with Mr. O'Donnell, the stipendiary magistrate, we got on very pleasantly together. He has given us great assistance, and it is a great thing that we had it; but I am not prepared to say that we would have done otherwise to him. Of course we would rather have his assistance on these occasions, for it is valuable at all times. There is another matter I would take the liberty of referring to and giving my opinion upon, namely, that Roman Catholics say they are not believed on their oaths as readily as the Protestants. I can speak for myself on that point, that from the time I was twenty years of age I have trusted the Roman Catholics the same as the other, and have always treated their oaths with equal respect since I became a magistrate. I would make no difference between theirs and any other man's, and I would believe the one just as implicitly as the other.

5292. Mr. Commissioner MURPHY.—Whatever creditability could be attached to one man more than another, it is not his religion you would require into as the cause for believing him?—Decidedly not.

5293. And all the other magistrates are of the same opinion?—I believe them to be. They have not any feeling against their Catholic fellow citizens at all.

5294. Were you at the meeting on the 18th of August?—I was, and it was then decided that if the programme submitted was carried out there should be no interference at all.

5295. It was understood there was a large force of constabulary and military at hand?—Yes, there were 170 constabulary and some military in readiness, but anything should occur.

5296. And the carrying out of the arrangements then entered into was entrusted by the borough magistrates to the Mayor and Captain Coote, R.M., and Mr. O'Donnell, a M.P.?—Well, no. The other magistrates were there too, to take charge at the different places in the town. I was obliged to go to Liverpool myself. Mr. O'Neill was in charge of the constabulary at Beider's gate, and we took every precaution we could for the preservation of the peace.

5297. Mr. McLaughlin.—It would not be quite correct to say that the stipendiary magistrates demanded control?—I don't think it would. I think that we all acted with great unanimity, and, as far as I know, I never saw anything demanded on the part of Captain Coote or Mr. O'Donnell.

5298. Mr. Commissioner MURPHY.—What he said was that the other magistrates conceded the power to the Mayor and Mr. O'Donnell, and Captain Coote to act in any emergency. As they would not have any other meeting they deputed to these gentlemen the duty of doing the best they could in case anything should occur?—Yes.

5299. Mr. Commissioner EHRAM.—That was at the meeting the day before?—Yes.

5300. Mr. McLaughlin.—But the local magistrates had the sole power, subject to that arrangement?—Certainly; there was no power taken from the local magistrates by the stipendiaries at all.

5301. Mr. Commissioner EHRAM.—Was it not decided at the meeting of the magistrates that these gentlemen were to carry out the arrangements agreed upon?—Yes.

5302. And there was no difference of opinion on the subject?—No. The magistrates were anxious for the preservation of the peace, and did all they could.

5303. Mr. McLaughlin.—See, now, I want to estab-

lish this and place it beyond any doubt, that it would not be correct to say that the local magistrates deputed all the power that day to the stipendiary magistrates?—No, certainly not.

5304. Mr. Commissioner EHRAM.—I did not understand that they did.

5305. Mr. Commissioner MURPHY.—It is Mr. McCarter's evidence Mr. McLaughlin points to.

5306. Mr. Commissioner EHRAM.—What I understood was—that it was left to the two stipendiary magistrates and the mayor to take measures for the next day, and then in the morning, by some arrangements made by them, A. B. was at one place and C. D. at another; in fact, they were all about it.—The result of the arrangement was that they were all scattered about.

5307. Mr. McLaughlin.—Do you think that if the local magistrates are left to themselves on the 18th of December, the display will be prevented?—On the 18th of December last?

5308. No, next December. Do you think that, having regard to what has been sworn here, the local magistrates, if left to themselves, would in any way interfere with the display?—I think they would interfere to prevent the peace of the town being disturbed.

5309. That is, they would not interfere with the Apprentice Boys?—I don't know. The local magistrates do all they can to protect the peace in every way.

5310. Mr. Commissioner MURPHY.—What Mr. Thompson means is—that they would not take it upon themselves to prevent them. I think it would be a great risk of life if they did?—It would be a risk of life. The magistrates do all in their power to preserve the peace.

5311. Mr. McLaughlin.—You say it would be a risk of life if they did?—It might.

5312. That would not arise from the Catholics, but from the magistrates' attempt to put down the displays?—Yes.

5313. And you think they would be resisted with force?—They might.

5314. I suppose you heard Mr. Ferguson examined about putting them down?—I was in Court then.

5315. When Mr. Commissioner Murphy appealed to him as to what his feelings would be if a collision took place next December between the parties; and that afterwards he went round the Wall and saw four of his fellow-citizens lying dead on the road; how would you like that?—I would not like it at all. I would be very sorry to see anything of the kind, and I don't think Mr. Ferguson would like it either.

Mr. Commissioner MURPHY.—What I put to him was—that if for a mere matter of principle he did not yield, and that four men were shot on the 18th of August next, would he be following December celebrate the day, and he said he would not. I saw one Mr. Ferguson, no matter what he said as to determination to uphold this principle, if he contemplated such a sacrifice for the sake of an idle display, would not persevere.

5316. Mr. McLaughlin.—I think it right to put this question—would you, Mr. Thompson, believe the Roman Catholics on his oath as readily as you would the Protestant?—Indeed I would.

And I believe you when you say it.

Witness.—There is another matter in reference to the police investigation and the charge of partiality against the magistrates. I don't know how that could be, and I think it should be understood that Captain Coote was one of those who decided with the mayor. I was not there at the moment of the decision, but I thought that Mr. O'Rourke did not get an opportunity of producing any witnesses; and I spoke to Captain Coote about it next day, and he said Mr. O'Rourke got an opportunity but did not accept of it.

5317. Mr. McLaughlin.—I suppose the magistrates were tired out with Mr. Beal?—I was not tired of him. I thought he was useful. He saved the Mayor and myself from Mr. O'Rourke.

Mr. Commissioner KEMAN.—I believe you are right. It was decided that they would not accept evidence, and Mr. Cooke agreed with the Mayor in that decision.

5318. Mr. *McLaughlin*.—And are you in accord that Mr. Bea gave you assistance?—He gave us a great deal of assistance, and protected us from the attacks of Mr. O'Rourke.

5319. Mr. Commissioner MURPHY.—On that occasion the magistrates accepted solvent had for the police, and I do not know what else could have been done under the circumstances?—If we sat there till now we could come to no other decision.

5320. Wherever human life is lost, *prima facie* the case is one that ought to be investigated before a jury?—Certainly.

Mr. Commissioner MURPHY.—Notwithstanding what

circumstances, if the fact that human life is lost be established, the proper course is to send the case before a jury for investigation, and not go into a defence before the magistrates at all.

Mr. *McLaughlin*.—With great respect, I never found any blame with the magistrates for sending the case for trial at all; and I further say with reference to your views, and it may be also said with reference to Mr. Thompson's, that the attempt to re-open the facts of the case was made by Mr. Bea and not by Mr. O'Rourke.

Mr. Commissioner MURPHY.—I believe, Mr. *McLaughlin*, if you had been there defending the constabulary yourself, you would have told the magistrates you reserved your defence until it went before the proper tribunal for investigation.

EDWARD DAVY
—
August 26.
—
William Thompson,
Esq., J.P.

Dr. James McKnight examined by Mr. *McLaughlin*.

Dr. James McKnight.

5321. You have resided in Derry for a good while past?—Yes, first in '45 for four years, and since then from '54—fifteen years nearly.

5322. I believe, doctor, by profession you are a literary man—the editor of a newspaper?—I am the editor of a newspaper.

Mr. Commissioner MURPHY.—Oh, Doctor McKnight is a gentleman well known. He is well known at the Irish press.

5323. Mr. *McLaughlin*.—And in that capacity, Dr. McKnight, I believe it is part of your official business to be acquainted with the feelings of the public as far as practicable?—I am not very much out among the mass of the public, but it is incidental to my business to know public feeling as accurately as possible.

5324. I believe you are a newspaper editor of long experience?—Yes, I believe it is about forty-two years since I became first connected with the press.

5325. And your operations at the press, as far as newspapers you were locally connected with, have been confined all the time, first in Belfast and Derry afterwards?—Yes.

5326. I believe in politics you are a Liberal, and in religion a Presbyterian?—Yes.

5327. Now do you think it desirable, or the reverse, that these local displays, no matter from what party proceeding, should be avoided?—Well, in answer to that, if the Commissioners permit, I should like to mention a general principle. I think it necessary to apply in all cases of this kind, that whenever these periodical displays are intended as a commemoration of the victories of one political party in the State over another they send inevitably to perpetuate the original feud, and whenever there are parties who fancy themselves, or who may happen to be representatives of the original party to the quarrel, that then the effect is to create a periodical violence and animosity which is totally inconsistent with the safety of the State, and is, in fact a species of suicidal policy directed against the life of a nation, on a unity, with respect to any armed movement from abroad, and I conceive it to be the imperative duty of every administration, whether called by one political designation or another, to put down historical celebrations no matter by whom instituted, or by whom observed, that are of that specific character. I may add, if permitted, that so far as my own knowledge either of ancient or modern history extends, there is not and never has been any civilised state or government under the sun, ancient or modern, in which the victories of any party over another in civil war was allowed, with the single exception of poor Ireland itself. I believe there is not at the present moment on the face of the globe any government, civilised or otherwise, that permits such celebrations, and that no statesman who really understands the importance of national unity and of keeping up what I call the living defences would allow it. No matter by whom originated, or under whatever pretences they may be put forward, such permission is a thing which I cannot comprehend.

5328. Mr. Commissioner MURPHY.—I believe that feeling amongst a number of nations, although under different governments, wanting to live on good terms with each other, makes them consider these displays as objectionable, and it is deemed advisable to abstain celebrations of that kind?—It is.

5329. I believe it is because of that feeling the celebration of Waterloo has been discontinued?—I was about to refer to that. I am perfectly certain it would have provoked, and naturally, a war in course of time, if for no other reason than only to prove the superior or inferior method of the respective parties, and so it is in the city of Derry and throughout the north of Ireland, every celebration of that kind, both historically and otherwise, is regarded by conquered party as a triumph of the prepotency of the opposite party over them; and in some of our platform oratory lately, at least within the last twelve months, I am sorry to say with repeatedly expressed to fight the battles of Ashgrove and the Boyne over again.

5330. Mr. *McLaughlin*.—Is there anything in the local circumstances of Derry, historically or otherwise, to take it out of the scope of the general rule you have been laying down so emphatically?—No, it is pre-eminently within it. Looking historically at the position of the parties at the time it was a war to some extent between what may be called the British colonised population and the aboriginal natives who wished to recover their own autonomy, and thereby recover the property of which they had been deprived by previous great confiscations. In the next place, King James, although not liked by the Catholics of that period, was adopted by them as a means of getting rid of oppressors under which they laboured, while, on the other hand, King James in his policy was believed to mediate a Roman Catholic Establishment, and then in this way it came round that there were two elements mixed up—the political element, or the element of antagonism of nations, and the religious element—and that is the worst element of bitterness even at the present day. There might be no dispute, and I am sure there could be none between educated men, whether of the Roman Catholic or Protestant persuasion, in relation to the extent of civil, political, and religious liberty that we at present enjoy, yet if these celebrations are kept up for the mere sake of rivalry and, as I said before, to see who is the better man, if I may use such an expression, constant feud would be kept up; and it has always appeared to me that selecting that portion of the Wall, or any portion of the Wall permanently, that overlooks what we may really call the Roman Catholic section outside the City Wall, and firing in practical triumph over the heads and houses of these people, I say I can conceive nothing more intensely calculated to aggravate than that position, which I think every good man in the city ought to wish to see abolished. I am certain of this, that just supposing a change of place, and that my Presbyterian co-officialists

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were in the position of the people outside the Wall, and that the Roman Catholics were once a-year, or perhaps oftener, to assemble with similar demonstrations or triumph over me or my co-religionists as a conquered race, although Christianity ought to restrain me, I am afraid poor humanity would hardly endure it.

5331. Do you think, speaking with reference to poor humanity, to which you so touchingly allude, that men of education would be more calculated to exercise the virtue of self-control than the ordinary working people?—Well, I am quite sure they ought to be, and I think they would be.

5332. Then, you think the danger that would arise from these proceedings is such a danger as always places us in imminent risk of local disturbances?—I am persuaded if it were not for the overwhelming force placed by the Government at the disposal of the local authorities, that may be placed in command, a strenuous civil war and bloodshed would be, humanly speaking, inevitable. There is no doubt of it at all. I know so.

5333. I suppose it has been your duty to read something of the proceedings here. From the testimony given by men, whose veracity was impeached, have you any doubt that arms are extensively in the hands of those opposed to the admissions?—I have no personal knowledge. I do not know except from the statements in the newspapers and what I heard outside. I have no knowledge at all of the arms.

5334. Do you think that, with reference to the administration of justice here generally, the present magistracy bench enjoys that popular confidence that one would desire to see it enjoy?—I am not in a position to give an opinion from personal knowledge. But there is one thing certain that the principle on which the commission of the peace is repeatedly disposed of is truly very lax. It is principally given for political favours, without any reference to personal qualifications. I have heard the evidence, and I heard it stated that the Catholic population, in matters relating to political and party matters, have no confidence in the bench. I have heard some of them state it, but I know it principally by report. I have not other means of knowing.

5335. Do you think there would be more confidence in the administration of justice, with regard to party and political cases, by one or two stipendiary magistrates than by the local tribunal—the local magistrates?—Well, I think so, because the truth is that the local magistrates, however well disposed to put down these celebrations and matters, could not possibly act against their neighbours and the parties with whom they are on friendly relations. They really could not act with vigour—neither the police or magistrates. I consider in order to secure a strong and efficient authority it would be absolutely necessary to place the preservation of the peace of the city entirely in the hands of a Government official, responsible to Government for his acts.

5336. Then, you would not think it desirable, or at all events so effectual as the arrangement you pointed out—to have a stipendiary acting in conjunction with the local magistrates?—There is a certain class of cases—ordinary cases of petty larceny and drunkenness—as to which they could sit together and hear and adjudge. But, in order to secure the peace of the city, I think the supreme power should be in the hands of parties completely independent of all local associations. I am satisfied of this.

5337. Which of the two arrangements would be preferable—to have one or two stipendiary magistrates at petty sessions?—I should say that the two would be the preferable arrangement if it was not too expensive.

5338. If not objectionable on the score of expense?—Yes.

5339. You know this city wall, being here as newspaper editor for the last fourteen or fifteen years continuously, and five years before. Do you think that any proceeding, such as is ordinarily carried out on the

18th of December, can be indulged in on the 18th December in the present year with any safety to the public peace?—I have a very decided opinion that it is impossible. I think it is the duty of a Government to put down every celebration, imperatively, of the kind which I have described; and, I think, with regard to voluntary displays on gala days that that particular matter may be left to the operation of the common law of the land. But it is in the others the whole sting of party spirit consists, both on the political and religious ground.

5340. Mr. Commissioner MURPHY.—Caused by periodical celebrations and their accessories?—The date and the occasion, and the speeches in the public journals, in some cases, are even worse than the proceedings.

5341. Mr. McLaughlin.—Have you read any of the speeches of a gentleman named Puggison, who was examined here to-day?—I am sure I must in the course of looking over the ordinary local papers, but I have no distinct recollection of the substance of them.

5342. But your description applies to the advocates generally, and not to any particular individual?—Yes; just so. As given in the journals, attached to the particular party, the speeches are in the very coarsest terms of the day; very strong, high Tory speeches; true Tory and “No Popery” speeches. That is the character of the oratory we are regaled by.

5343. When you say you believe you would leave certain gala days to the operation of the common law, of course, you do not refer to the 18th of August and 18th December?—Oh, no, those are included within the general principle.

5344. But so far as your experience of Derry enables you to define the fact, and give an opinion, has it not been hitherto found that the want of power or, at least, non-employment in the result of putting down these celebrations, has been attributable, not to the weakness or inefficiency of the law, but to the weakness and inefficiency of its application, locally?—Well, I think, perhaps both.

5345. Which in a greater degree?—The question has sometimes arisen whether, provided certain accessories were omitted, the procession itself would not be legal under the Party Procession Act as it stands.

5346. Mr. Commissioner MURPHY.—The magistrates are placed in a difficulty in interpreting the law, or putting a decided interpretation upon it?—That is the case, I understand. I am not a lawyer.

5347. Although you are not a lawyer you speak with very great, indeed, extreme accuracy.

5348. Mr. McLaughlin.—And you have very clearly and very fairly pointed out, with the instrument of a lawyer at all events, the difficulty that would arise in determining whether certain facts would come within the power of certain Acts, or come within the scope of the common law?—Yes, I believe the difficulty is felt, and renders persons indisposed to act whose, perhaps, they otherwise would. The Party Emblem Act is an Act very specific in relation to the prohibition of party banners, emblems, caucos, fire-arms, &c.

5349. Are you long enough connected with Derry to know there was a special clause put in the Party Emblem Act with the view of meeting the case of the caucos in Derry?—Yes, I remember seeing it in the Bill in the printed form, but my plan is not to legislate against individuals, or for men's loathings. I contemplate what I may call an imperial violence, prohibiting a certain class of demonstrations that are really dangerous.

5350. Then you think that the magistrates honestly, fully, fairly, and impartially attempting to discharge their duty, must be placed in difficulty by the uncertainty of the law?—I think so.

5351. Is it your opinion that if the opposite party, the Roman Catholic party, had a corresponding display with accessories of the same character on the 17th of March, the authorities would not find means to overcome the difficulty?—I could not say what the authorities would do.

5353. Would you be surprised if such a procession was not allowed?—I am certain it would not be allowed to pass through the streets of Derry, inside the walls.

5353. Notwithstanding the delinquency of the law?—I am not speaking of what the authorities would do—the authorities would come in secondarily—but I am persuaded, if that was attempted, the opposite party would assemble, a conflict would be the result, and the authorities should interfere.

5354. But supposing, for a moment, that the opposite party did not interfere with the procession, don't you think the authorities would of themselves interfere and prevent the 17th of March procession, in view of the possibility of a collision—don't you believe they would?—Some of them would be disposed.

5355. From the two proceedings and the two sets of accessories being the same, how do you account for the comparative ease with which, as regards the 17th of March procession, the magistrates could get over the difficulty by interfering with that, while they allowed them on the 12th of August and 18th December?—It would arise from this, that the magistrates might suppose they had a species of presumption for one, while the other was only a novelty.

5356. And that would lead them to give the benefit of the doubt to those in August and December, and against the one on the 17th of March?—Yes, I think that would be the natural process of reasoning under the circumstances, independent of political leanings.

5357. That would be the natural process of reasoning under the circumstances, independent of political leanings, but have you any doubt that appended to that there would be a political leaning preponderating very much in favour of the Protestants, and very much against the Catholics—would they not be more inclined to give the Protestants the benefit of the doubt?—No doubt—unavoidably, under the circumstances you mention.

5358. Unless you think of something that you yourself would wish to mention, I will not ask you any further questions except as to some matters of statistics which I ought to have taken from some other witness. I suppose your attention has been called to the fact that in '61 the gross population of the city of Londonderry was 20,875, including those in public institutions?—Yes, I have seen that on paper.

5359. The relative number of those as regards the different religious denominations as returned by the Census authorities was as follows:—Episcopalians of the Established Church, 3,457; Presbyterians of the General Assembly, 4,459; Roman Catholics, 12,036; Methodists, 280?—There must be more Methodists in Derry I am sure.

5360. There may be since that?—Yes.

5361. Independents, 179; Baptists, 73; Quakers—I don't know that I ought to use the connexion in the plural—4; all other persons, 221. Now, applying the rules of arithmetic, the result is 20,875, including those in public institutions. Now the boundary at that time did not include the workhouses, and this does include the workhouses. Are you aware that the boundary has been considerably extended by force of recent enactment?—Yes.

5362. And Mr. Gregg, who is a good authority on the subject, says that the extension of the boundary would produce the effect of incorporating a space of additional ground representing about one-third of what might be called the existing city?—Yes.

5363. Allowing for that and for all the increase of manufactures and all that, and allowing for the time that has intervened since '61, we being now in the year '69, what do you think would be the increase of the gross population, it being an important thing to know that with regard to the number of constabulary that it may be considered necessary to have here—would you say to 30,000?—My attention has not been directed to the subject, and I could give no satisfactory estimate, but I know that the factory employes employ a huge portion of the population, probably 4,000 or 5,000.

5364. Four thousand or 5,000?—Yes.

5365. And, I suppose, having regard first, to the factories, secondly, to the lapse of time, thirdly, to the improvements, and fourthly, to the general extension, 30,000 would be a fair estimate?—I think it would be a little over.

5366. But in round numbers, it would be nearer than 25,000?—I think it would be from 25,000 to 27,000. I think I saw a calculation some years ago—how long I do not recollect—that gave the population of Derry and boundary 26,000—between 25,000 and 26,000.

5367. That was prior to the extension of the boundary?—Well, I do not recollect the date of it.

5368. No doubt it was so.

5369. Mr. Commissioner ERMAN.—Including the new boundary, the increasing population, and new factories, we might take it to be about 30,000?—Yes, I think so. I think that might be a little over it, but not much.

5370. You spoke of an imperial measure—tell me, don't you think it would be better to put down band playing and demonstrations of every kind in the country which give offence to the other side?—Decidedly—most certainly.

5371. For I thought you appeared to confine it to celebrations on stated days, such as the 12th of August and 18th of December. But would you not think it right or advisable to put down demonstrations everywhere—processions and band playing—that would give offence to the other side?—Certainly; but this special class of demonstration to which I refer is capable of being defined, and it leaves very little room for legal ingenuity in a case of offence under such an Act of Parliament.

5372. Mr. Commissioner MURPHY.—I apprehend you distinguish between those which take place on fixed and well-known days, and what occur on occasions of casual public displays. For instance, you would not class those displays on the 12th of August and the 18th of December with such a display as was held here to protest against the Church Bill?—No, that was a special occasion.

5373. And would you not say that was as offensive as the other?—Not *per se*; it would depend entirely on the circumstances which accompanied it, and which circumstances would be a matter of evidence on the special occasion.

5374. Presumably so?—The authorities would avail themselves of the law to prevent them according to the circumstances. I wish to add that I lay down the general principle for this reason and for no other, that I am not actuated by any animosity towards the Apprentice Boys or towards any others, but I speak upon grounds entirely independent, and as I regard it a matter of imperial policy, which I believe, is first, essential to the public safety.

5375. Mr. Commissioner MURPHY.—And supposing there were in England two opposing parties—say the Puritans and the Cavaliers—and if the Puritans chose to have a celebration on a particular day on which they had a victory, you think that should be put down in a similar way?—Yes, so as not to divide the people. I think Sir John Davis, if I recollect his political tenet, alludes to this policy of division as having existed at the time James the First effected the settlement of Ireland, and he states that if the principle had been acted on in England it would not have been civilised from the days of William the Conqueror. The country would have been broken into factions, and never would have become an united nationality as it is now. No community ever could in any part of the world. Neither Greeks nor Romans ever tolerated the celebration of any civil war victory, nor any other government that I know of.

5376. Mr. Commissioner ERMAN.—Do you recollect upon these stated days processions were not looked upon as being offensive here?—Well, my time dates pretty far back—nearly to the commencement of the present century—and unhappily they were very prevalent then.

5377. No doubt prevalent; but were they looked

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upon as offensive?—Indeed they were; from the nature of such celebrations they could not be otherwise.

5378. Mr. Commissioner MURPHY.—Even although not so strongly manifested, the feeling existed?—In my young days in my native county—the county of Down—the Orange processions were very prevalent, and they invariably ended in collisions, and bloodshed frequently; and very terrible atrocities were committed by parties breaking houses and firing into houses—in fact, the existence of one organization provokes a defensive organization on the other side, and then when those parties met at fairs or other places it was a regular battle on a small scale.

5379. Although they lived on good terms with each other prior to those occasions?—Yes. If their ill passions were not stirred up by those historic memories and displays connected with them, they would live on perfectly good terms.

5380. Mr. Commissioner KEMER.—With reference to the procession on the 17th of March, I would wish to ask you a question. Supposing that the other party—the Catholic party—were to have a procession on that day that would be within the bounds of the law as it stands at present, do you think the magistrates would take it on themselves to prevent that procession?—I think they would.

5381. Then suppose on the 17th of March, there being an alteration in the law, that persons come in to procession or went out in procession on that day, keeping within the law as it stands at present, is it your opinion that the present band of magistrates in Derry would prevent those persons from moving in that procession?—Well, I think it would depend on their apprehension of the other party opposing them. I think it would depend on that. There may be individual magistrates on the bench—for it may be constituted of men of all political opinions, and some pretty strong—who would prevent the procession; but I think if they acted as a body it would be on the ground that prevention was much better than punishment.

5382. That is, in other words, you mean if the magistrates did not apprehend a breach of the peace

being committed they would not act, but if they anticipated a breach of the peace then they would take precautions to prevent it?—I am quite sure they would anticipate it. It would be almost inevitable. I should say a breach of the peace would ensue, and that the magistrates would not hesitate to act—they could hardly hesitate under the circumstances.

5383. Mr. McLaughlin.—I dare say if they do not prevent the procession a breach of the peace will also ensue on the 18th of December?—No doubt of it. I fear that all the precautions which they may take will hardly prevent that.

5384. The precautions that are taken on the 18th December are protective precautions—that is, that the processions are prevented from being interfered with—is not that so?—Well, that has been the kind of protective policy.

5385. A protective policy?—I think the true protective policy would be to prevent.

5386. But, now, in reference to the 17th of March, a protective policy then would be utterly preventative for they would not allow it?—Yes, they probably would not.

5387. And you think that the practical protective policy would be a preventative policy and nothing else?—And an impartial policy in that respect; but the magistrates might consider a local prescription. It is not so old a prescription as is sometimes represented. I think I heard 150 years mentioned; but it is nothing like that. It is comparatively modern. It is only since the first 100 years after the Siege of Derry.

5388. But is it not generally considered that St. Patrick was born before the Siege of Derry?—Oh, yes; but St. Patrick's day is itself would not come, properly speaking, into the historic category, because it would not be commemorative of civil war, and to tell the truth, I have a very strong feeling that, as a Presbyterian, I have some interest in St. Patrick, and this theologically, too, and on that day I always wear my shamrock, and to the end will continue to wear it. I would not like to give him up to the Catholics altogether. As long as I think I have any historical or theological reason for keeping up an interest in him I will certainly do so.

Mr. Patrick Bradley examined by Mr. McLaughlin.

Mr. Patrick
Bradley.

5389. You are a flax merchant, residing in Derry for many years?—Yes.

5390. And you know it very well for the last fifty years, at all events?—Yes.

5391. Your business as a flax merchant brings you into contact with large numbers of the public?—It has done that.

5392. And given you an opportunity of knowing their opinions and feelings?—Yes.

5393. You are in religion a Catholic?—I am.

5394. And in politics a Liberal?—Well, I don't know what my politics may be called; but I would like to take what is bad out of both Conservatives and Liberals.

5395. Take all the good and leave them the bad?—Very well. I think I am a kind of underscript in politics.

5396. Did anyone ever call you a Tory?—Never; but I am not sure that my leanings are not as much that way as the other.

5397. At all events there is one thing certain that, no matter what your views on that point may be, you have clear views, that you have no hesitation in expressing, in reference to local celebrations?—I have.

5398. Would you tell the Commissioners what you think about them, in reference to the Apprentice Boys, and the desirability of avoiding them?—Well, I believe the greatest calamity that can fall on any country is civil war; and I believe the sooner that every record of any of the evil consequences of civil war be blotted out the better. I believe that the celebrations here are a very great curse and a cause

of great discontent and annoyance to the community, and I believe there will be loss of life resulting from them, unless they are discontinued.

5399. Mr. Commissioner MURPHY.—Do you think that opinion is shared in by a great many of your fellow-citizens?—I believe it is, and I am sorry for it.

5400. Mr. McLaughlin.—I believe it is an universal feeling among Catholics?—Well, it is, I believe; but I believe it is not confined to Catholics.

5401. A great number who are not Catholics are in favour of abolishing these processions?—They are. I believe they have a demoralizing effect and generate ill-will and hatred in the minds of the people, at least among the uneducated portion of them. I think the better educated classes, too, would rather see them put an end to.

5402. I believe the Derry people are quietly and kindly disposed towards each other?—They are.

5403. But I believe at the time of these celebrations a great change comes over them?—Well, I believe at about a fortnight or so before the celebrations some of them give expression to great discontent, and it takes a good while afterwards before their feelings subside.

5404. Do you know how the Catholics, so far as you are acquainted with their feelings, a sense of confidence in the administration of the law by the local magistrates, in reference to the prevention or suppression of these processions?—I don't know with regard to that, but I know that our clergy have been remonstrating against course-demonstrations.

5405. That is opposing them?—Yes; and I know that, for a long time back, and until recently, there

were no attempt at those counter demonstrations on the part of the Catholics.

5406. That is, there have been no celebrations on St. Patrick's Day by the Catholics?—No; I do not suppose there was any attempt at it for thirty years. I remember on one occasion there was a demonstration made—I think it was in '32—and the borough magistrates met, and came to the resolution to prevent it. At that time Major Watson was here, and the Depot was called out. The soldiers were stationed at Waterloo-place, and, I believe, through the exertions and remonstrances of the then Mayor and some other gentlemen, the idea was abandoned, and I think that was the last.

5407. Although offended and insulted by them, have you ever known a Catholic mob to interfere with the local demonstrations?—No; but whenever there was a demonstration on the other side there was always an attack made on them, and a riot ensued.

5408. But they were not then armed with the deadly weapons they possess at present?—Oh, no.

5409. Now, so far as you know the feeling of the Catholic population—I am not saying whether it is right or wrong—have they that feeling of confidence in the local magistrates that it is desirable for the public good they should entertain?—I believe that those demonstrations have a demoralising effect even upon the magistrates and every other portion of the community. Mind, I make no charge, but from the very effect, there must be a perception that would have been in their decisions.

5410. And, have you any cause for believing that?—Well, I suppose we are not all perfect.

5411. No, but a great mass of us are given to the faculty of judging wrong and acting as if that was right?—Well, I believe prejudice warps their judgment.

5412. And, do you believe that observation would apply equally to the magistrates and police?—It would.

5413. But the result of want of confidence in the magistrates would still be the same?—No doubt of that.

William Browne, esq., M.P., examined by Mr. McLaughlin.

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5422. You are medical officer of the Derry Dispensary?—I am.

5423. And you have been in Derry for a considerable number of years?—For nearly 30 years.

5424. I must go through the form of asking you—I believe you are an Episcopalian in religion?—I am.

5425. And in politics a liberal?—In politics a liberal.

5426. I dare say your profession in life has made you acquainted with the feelings of the people in the district?—Yes. Since I came to Derry I have been practicing in my profession very much among the working classes.

5427. Of all sections and opinions?—Yes; but the majority of the working classes belong to the Roman Catholics.

5428. Is it not a fact that the great bulk of the humbler class in this town are Roman Catholics?—I have just said so.

5429. Since you became dispensary doctor you have had a great deal of opportunities for knowing the views of the humbler classes?—Yes, I always had, but of course even more since I became the doctor of the dispensary.

5430. What is the opinion of the humbler classes with regard to these celebrations?—The feeling of the Roman Catholics, and of all the Liberals of every denomination, is very much against those processions.

5431. That feeling is not confined to the Catholics alone then?—No, it is not confined to the Catholics.

5432. I believe these processions are regarded as insulting and offensive?—They are.

5433. Do you think that their continuance is dangerous to the peace of the city?—I do. I think that the Liberals and Roman Catholics have had

5414. You would be in favour, then, of the substitution of the constabulary for the city police?—I would rather have a regularly organised force than a local force. I would not have a regular organised army than the constabulary, and the same with regard to the police. At the same time I am exceedingly happy to say I stand well with all parties, and if the local police are done away with, I think everyone would be happy to see some old and deserving men retire on full allowance—I know I would.

5415. And that altogether irrespective of politics or creed?—Yes.

5416. I believe you are a man who would have just as much confidence in an independent Protestant, as in a Roman Catholic?—I never think of a man's religion at all; but I would prefer a paid official to a non-paid one. I think the rate in Derry is a good one, where every official is made responsible to Government.

5417. Have you ever found in conversation, or yourself formed an opinion, as to the desirability of having the law in all political cases administered by resident magistrates or left in the hands of the local justices?—Well, I have not, but I would prefer it to be administered by paid magistrates, because an unpaid one is not responsible, and he feels that.

5418. And the public would put more confidence in him, and think he was uninfluenced by local opinion or events?—Yes. I know of a magistrate to drive here 12 miles to hear a case, even in a civil matter.

5419. In order to form part of the voting scale?—Just to have a friend in court.

5420. Unless you think it right to mention anything yourself now, I have no further questions to ask you.

5421. Mr. Commissioner ELLIOT.—Would you put down these boards just as well as processions?—I would—everything that would go to demoralise or create animosity or ill-will among the people, I would put an end to.

their toleration stretched to the utmost extent, and I believe that, had it not been for the influence brought to bear on them in the last few sessions, they would have risen to oppose them. I know they would, as well as I could know anything, that I have not seen occur.

5434. Mr. Commissioner MURPHY.—And do you know, as a fact, that influence was brought to bear on them to prevent that?—I have been told that by themselves and those trusted with their care.

5435. Their clergy?—Yes, their clergy; and the laity as well, both Protestant and Catholic.

5436. By such men, I suppose, as Mr. McCafferty?—Yes, and Protestants as well, and I used my own influence amongst them, too, to restrain them.

5437. Then your opinion is against the continuance of all celebrations at Derry, that can possibly assume a political tinge, no matter of what party?—Of all parties.

5438. Mr. McLaughlin.—Whether Whig or Tory?—Yes.

5439. Mr. Commissioner ELLIOT.—As I understand you, you do not confine their prohibition to Derry alone?—No; I would, of course, extend it over all Ireland.

5440. Mr. McLaughlin.—I suppose you agree with former witnesses, that there is greater laxity in Derry as regards these displays than anywhere else?—From my own experience, I would say the contrary.

5441. Explain what you mean by saying that it would be the contrary in Derry?—Because, I think, political and party irritation has become more developed in Derry owing to these periodical celebrations, and that there is more of a tendency to tolerate than suppress them.

Witness
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Inquire, 686,
N.B.

5442. Do you believe what is stated, that there is an extensive training in this city, among the Catholic party?—I do, now; I did not believe it was so extensive until I heard the evidence of some witnesses in the box. I knew there was an armory among them, but I did not believe it was so extensive till I heard it here.

5443. You have no doubt now of it?—I have no doubt now. There were several circumstances come to my knowledge before, that I did not lay great weight on, that I do now lay great weight on.

5444. Having regard to that fact now, do you think it is like throwing a spark into a magazine to allow further celebrations?—Well, with regard to celebrations, I cannot say; but I will make a remark that is tantamount to an answer. For a number of years past, when these celebrations were over, every thinking man thanked God that they ended without bloodshed. We all expected, as the celebrations approached, that they would not pass without it, for the majority of the people were far opposing them, and it was a source of great gratification to us to find them end without bloodshed.

5445. Was it a fact that this very circumstance was made a topic of comment in the newspapers?—Well, I cannot say as to that, but I heard it in conversation.

5446. Mr. Commissioner EHRAM—Do you confine that to any class?—I confine it to the moderate thinkers of all parties, and of the different religious denominations.

5447. Mr. McLaughlin.—Knowing the particular days on which these displays ordinarily take place, you say apprehensions are excited as they approach?—Yes.

5448. Amongst all thinking men?—Yes.

5449. And then, when the day passes over without bloodshed, a feeling of thankfulness is a common one?—It is a common cause of mutual congratulation, when people meet afterwards.

5450. What do you think would be the effect of allowing these celebrations to go on as usual, on the 10th of next December?—I would be more afraid of bloodshed hereafter than I was before, and if you wish I will tell you why.

5451. Do?—Well, I think one of the influences used with the Catholic party in Derry was the approach of this Commission. I knew that party are very much inclined to accept the protection of the law, if they have any expectation of it, and I believe that was used with them as an argument on the last occasion, for they expected justice to come from it. I know if the celebrations are allowed, there will probably be a very serious riot if there are not steps taken.

5452. You do not think the people will be open to reason to the same extent as they were before?—I do not. I would say that argument is all exhausted.

5453. I believe the present Commission was used as one of the principal arguments to restrain the people, on the last occasion?—It was used.

5454. When you say the people are ready to accept the protection of the law, do you mean the protection of the law as administered by the local magistrates?—I do not.

5455. And what do you mean?—I mean the protection of the Executive in the Castle of Dublin, sending down such a force and such persons as will protect the public peace, and prevent any demonstration taking place.

5456. And is the expectation that the Catholics have in Derry in reference to a special legislation on the subject?—I know they have that expectation.

5457. Mr. Commissioner EHRAM.—That the existing law will be changed?—That the law will be changed.

5458. Mr. McLaughlin.—Supposing the Executive had sent down a large force here, and left it under the exclusive direction and control of the local magistrates, with regard to the celebration in December next, do you think—

5459. Mr. Commissioner EHRAM.—Is it fair to suppose such a thing when we know ourselves it is never done?—They sent fifty-one resident magistrates to the North last July.

5460. Mr. McLaughlin [to the witness].—Have you ever known the local police force to be increased, and considerably increased, on one of those days without the concurrent attendance of a resident magistrate?—I will not speak positively, but the first time I collected a stipendiary magistrate to attend here was after the Party Processions Act had passed.

5461. Mr. Commissioner EHRAM.—I am only speaking of recent years, and I believe I am right in saying that no force is ever sent to any place without being accompanied by a stipendiary magistrate.

5462. Witness.—I believe that since the Party Processions Act came into operation we always had a stipendiary magistrate here.

5463. Mr. McLaughlin.—Supposing such a case, and that a stipendiary magistrate was acting in conjunction with the local magistrates, and the object was one of these celebrations, what is your opinion as to the result?—My opinion is, that the majority of the local magistrates would not be in favour of putting them down. I am under the impression that many of them have volunteered to keep them up, and although they see the mischief they create, they yet approve of them.

5464. Latterly, I believe, these celebrations have become more offensive?—More demonstrative, and proportionately more offensive.

5465. Do the people believe, as they ought to believe, that the law—the ordinary administration of the law—is fairly and impartially administered by the local magistrates?—No, the people do not believe it.

5466. They do not believe it?—No.

5467. What do they believe?—I think the belief of the Roman Catholics is that they do not get a fair administration of the law for themselves. I would wish to be clearly understood that I am not imputing to any individual magistrate anything like corruption; for I do not suspect them of that.

5468. I am not asking your own opinion from you at all?—Yes; but the question would put me into the position of accusing them of corruption, which I would not do.

5469. Mr. Commissioner EHRAM.—What is your feeling?—

Mr. McLaughlin.—As to public opinion?—Is it of the working classes?

5470. Yes?—Well, I believe they think the law is not administered fairly between the different denominations. It is more than my opinion—I know it is the feeling among them.

5471. Mr. Commissioner EHRAM.—Does that refer to party cases only or cases generally?—It does not refer to party cases only, it is general.

5472. Mr. Commissioner MURPHY.—You think there is an impression amongst them that the different denominations do not stand equal before the law; that the Roman Catholics think their cause are not believed by the magistrates, and that those of Protestants are, and that there is, in fact, a leaning towards the Protestants?—That is the impression.

Mr. McLaughlin.—Unless something occurs to yourself, I have nothing further to ask you. Witness.—I have no wish to add anything more to my evidence.

5473. Mr. Commissioner MURPHY.—Do you think a good deal of that feeling arose out of the fact of the continuance of these processions?—I cannot say.

5474. Mr. Crawford (inquirer).—I wish to ask you a question. Are the Roman Catholic population of Derry satisfied with you as dispensary doctor?—As a body they are.

5475. You give that as your answer?—I do.

5476. Have there been complaints made by Roman Catholics against yourself for not discharging your duty as dispensary doctor?—By individual Roman Catholics, as I believe, instigated by Protestants from political motives.

Mr. McLaughlin.—I do not think this line of cross-examination should be permitted to go on.

5477. Mr. Crawford (to witness).—What is your reason for believing Protestants incited these against you?—Circumstances which came to my knowledge that left no doubt on my mind.

5478. Were those complaints made within two years?—They were.

5479. Would you state, in reference to the circumstances which led you to trace them to Protestant sources, what were your means of information?—My means of information were, that it was told by the person who made the complaint.

Mr. McLaughlin.—I say in the presence of everyone, when this line of examination has concluded I will then make an application to the Commissioners.

Mr. Crawford.—I came up here, not in a professional character at all, at a time when, I think, you have exhausted the evidence, and propose to tender myself voluntarily for examination. I heard a great many statements made against the magistrates of partiality in the administration of the law. I have been practising before them for the last twenty years and I never saw any of it, and no person has more knowledge of Derry than I have myself.

Mr. Commissioner MURPHY.—With respect to the question put to Dr. Browne—who, I am sure, has given an answer to it now—in relation to private matters, we have no desire to go into them, except so far as you say that Dr. Browne says the Roman Catholic population are threatened with so and so. If you want to personally affect his own credit I will ask him the question.

Mr. Crawford.—If you please.

5480. Mr. Commissioner MURPHY.—(to the witness).—Do you think the Roman Catholic population have the slightest objection to your professional skill and labour because you are a Protestant?—I believe there is not a Roman Catholic in Derry that would remove one finger's position to put in my place a Catholic.

5481. Mr. Crawford.—How many Roman Catholics did complain of you, after that answer to the question?—Only one.

5482. Only one. Was that a case of writing?—It was a series of writings. I will ask the Commissioners to allow me to explain.

Mr. Commissioner MURPHY.—It is unnecessary. We have nothing at all to do with these private matters.

5483. Mr. McLaughlin.—(To witness).—Was that

in the case of a dispensary midwife, who was discharged during your time in office?—It was. The case to which the dispensary had reference was fully investigated, and resulted in my continuing to discharge my duties just as before.

Mr. Commissioner EHRAN then intimated to Mr. Crawford that they intended to examine some of the local police in the morning.

Mr. Crawford.—I will ask you to take my evidence with reference to the magistrates, before whom I have been practising for the last twenty years, and whose characters I think are now calumniated.

Mr. McLaughlin.—Then I will now make the application I said I would—namely, that I would apply to the Commissioners to strike off the notes what Mr. Crawford asked Dr. Browne in reference to his professional character. Mr. Crawford stands convicted on the answers to his own questions.

Mr. Crawford.—My questions were simply intended to show that because Dr. Browne is a Protestant he is regarded as offensive by the Roman Catholics.

Mr. Commissioner MURPHY.—The whole thing seems to be that a complaint was made of Dr. Browne, that the person who made it was a Roman Catholic, and that that complaint was investigated and disposed of.

Mr. Commissioner EHRAN.—I would be inclined to accede to Mr. McLaughlin's request, but that I consider it would be only fair and just to Dr. Browne to leave the answers on the notes.

Mr. McLaughlin.—I do not know whether your notes will convey the character of the public indignation which this unaccountable attack called forth. Mr. Crawford merely came into court to see would the Commission close this evening, and observing Dr. Browne in the box he took a shot at him.

Mr. Crawford.—It was not for any such purpose. You have got a lot of evidence on the notes of a certain kind, and my intention is to produce an equal number of witnesses, who will give a different version of the whole thing. But before I would do so I would like to ask Dr. Browne was he as popular a man before Sergeant Dwyer's election as he is since.

Mr. Commissioner MURPHY.—We do not think that is a question that ought to be put.

Mr. McLaughlin.—I do not think there is a Protestant in all Derry as popular as Dr. Browne.

Mr. Crawford.—I deny that; I am quite as popular as Dr. Browne.

The court then adjourned till the next morning.

Exhibit B.—
August 26.
William Browne, esq.,
M.D.

NINTH DAY.

Friday, August 27, 1869.

The Commissioners sat at 10 o'clock.

Mr. John Hampton, who had previously given evidence, said:—

There is a matter to which I wish to call the attention of the Commissioners. I desire to correct the evidence of Mr. Thompson as it appears in the newspaper I hold in my hand. The paper states that Mr. Thompson in his evidence said:—"Mr. Hampton said that the man was a companion of the man that broke the window, but he gave no evidence of that." Now, I gave no evidence whatever of anything, but the police constable proved that he was the companion of the man, and I request that you would call on that police constable to state what evidence he gave. It is a very important correction I am making, and I am sure I should like to say all I know about these revolvers. I knew of no revolvers being brought from Limerick, but I heard that a commercial man there sent a telegram to a Mr. O'Neill in Derry, and it went to a wrong Mr. O'Neill—there were two of the same name—and it subsequently became known, and, as I stated before, it was merely gossip in the commercial room. There is a third matter I wish to mention. On my former examination I said I gave out touches. I wish to state that the Society that those touches belonged

to was extinct at the time, and there was no owner for them but myself.

Mr. Commissioner MURPHY.—With respect to my statements made as to your knowledge, or the knowledge of the persons who were examined here, as to the purchase of arms and revolvers, I may observe, that it did not appear on the evidence before us at all that either you or Mr. McCafferty or Mr. Lynch had any other knowledge whatsoever of it, than the general conviction produced in your minds by what you heard.

Mr. Hampton.—I had no knowledge whatsoever but what I tell you, sir.

Mr. Commissioner MURPHY.—Nor did your evidence at all convey to us that you had any, more than that of Mr. McCafferty or Lynch. I think Mr. McCafferty said that he was adverse to the thing altogether. Of course the fact as to where they were was kept concealed from him.

Mr. Commissioner EHRAN.—I understood Mr. Hampton to say, of his own knowledge, that some revolvers were actually given out.

Mr. Hampton.—When I heard of this telegram I

Exhibit B.—
August 27.
Mr. John
Hampton.

Witness
August 27.
Mr John
Hampton.

went and ascertained from a tradesman in the town, a neighbour of mine, that some revolvers had been imported previously.

Mr. Commissioner EHRAN.—And given out—I cannot tell. I think they had customers. I cannot tell how they were given out.

I think it is no part of His Excellency's warrant or any part of our inquiry here to trace out this question of revolvers, as to how they were purchased, by whom they were purchased, where they were kept, or to whom or by whom they were distributed. We have no power at all, that I can see, to investigate this matter.

Mr. McLaughlin.—If it were not for the peculiarly impersonal character of the inquiry I have not the slightest hesitation in saying that, but for the existence of the proclamation, which would make it a very inconvenient matter for the parties to talk about it here, parties was joined together, in the face of what they believed to be a substantial danger, and got revolvers, would come into the witness box and tell you all about it.

Mr. Commissioner MURPHY.—With respect to going further into the particulars of that case about the

breaking of your windows, Mr. Hampton, unless the thing is perfectly patent on the record, as in that case with respect to the hailing of Barker, we have no right to make any particular comments on the magistrates. The case certainly did strike us at first as somewhat singular, but it appears now to stand thus:—the man who was arrested undoubtedly was not the man who had committed the offence charged.

Mr. Hampton.—So I said.

Mr. Commissioner MURPHY.—So you said; and it would not appear that there was sufficient evidence then to convict that man—at least, you know, conviction in a case of that kind must be free from all reasonable doubt—and there was nothing even to show that he urged the other to commit the offence. The only thing that struck us as peculiar in the case was that the magistrates censured the policeman, whereas Mr. Thompson says that the magistrates said that if he had been more active he might have arrested the man who made his escape.

Mr. Hampton.—I appear here merely to correct what Mr. Thompson stated. I merely said that I thought the policeman should have arrested the man who broke the window.

Witness
Bulley.

William Bulley, ex-Head Constable, Royal Irish Constabulary, examined.

5484. Mr. Commissioner EHRAN.—Head-constable Bulley, our Secretary has asked you to come here to answer a few questions, because some of the city force requested of us that he should do so. Tell me, do you recollect this night of the attack on the Corporation Hall where Mr. Downe was here?—I do.

5485. Were you in the force then?—I was.

5486. And were you on duty that night?—I was on duty as head-constable of the constabulary on that night.

5487. Now, did you see the city police that were posted on the door?—I did.

5488. Now, as they were originally posted, before this rush was made, were they across the door, or were they sideways as if guarding it?—My attention was not drawn to the door till I heard the noise of the riot at the door, because I was standing sideways down at the Hall.

5489. From the time that you did observe anything that night, did the city police give you assistance in keeping the peace?—At the time I heard the noise at the door I, with others of the constabulary who were there, came forward to the door where some of the constables were placed. The city constables exerted themselves to the extent of their power to keep the parties from getting in, but would, I believe, have been defeated in their object had we not assisted them.

5490. I believe there were no arrests made that night—do you recollect?—Well, not to my recollection at present.

5491. Well, do you recollect did the city police summon people afterwards for their conduct on that night?—The constabulary.

5492. Were not the constabulary assisted by the city police?—Yes; every assistance was given by them in evidence and otherwise.

5493. And in identifying them?—And in identifying them.

5494. Mr. Commissioner MURPHY.—I believe, in point of fact, that you had not sufficient force to make arrests that night?—Well, I consider it would not be prudent for there was on one side of the Hall what we call the Downe party standing, and the Lord Claude party, which I consider was the party that made the attack on the Hall, on the other, and I considered, and do consider still, that so long as we kept the peace it was most prudent to make no arrests; and the city police considered so too.

5495. And they gave you every assistance?—They did, and appeared in the court.

5496. Against those charged?—Yes, they did.

5497. I believe we have heard that there were some fourteen or fifteen brought up?—By the police altogether—I believe about that.

5498. And were they punished by the magistrates?—They were sent for trial.

5499. By the magistrates?—By the magistrates.

5500. Now, as you are out of the force, and know there can be no objection to my asking you a question—you have been a long time in Derry?—Twenty-eight years.

5501. And you have had opportunities of judging of the city police force?—Yes, I have had opportunities.

5502. Well, as far as you saw of them while you were there were they in the habit of doing their duty?—The force was a very small one, and the superintendent and the men under him, so far as I was concerned and the public, we always worked well together and did all we could for public good. For a body organized as they were, I consider they were most efficient for their number—some of them most efficient officers.

5503. There was one other matter that I wished to ask you—do you recollect the 13th July previous to that 30th?—I do.

5504. Do you recollect any arrest made that night?—I do.

5505. Did that man make any observation that night, before he was arrested?—I was first in Market-street—standing in Market-street—when I heard a rush and a great noise over the bridge, and a mob coming through Ferryquay-side up towards the Diamond. I afterwards regretted up, and when I got the length of Bishop-street they were stopped there—a very large mob—and the police had a man named Delahy in custody, or were about arresting him, and one of the city constables said to me that this was the man who was the cause of the whole riot and the commotion; and they seemed not to be able to bring him with them, and I said, if he was the man that they could identify as being the man to bring him with them; and I did not know the man at the time, and there was great resistance offered, and I called upon any of them that were for making the arrest and protecting the police that we should be glad of their assistance, but we were so deterred if they would oppose us that we would use force towards them.

5506. And you had a force of constabulary?—Yes; we then succeeded in bringing the man along. I did not know at the time who the man was.

5507. Do you recollect afterwards that man being brought before the magistrates?—Yes, I do.

5508. He was fined?—He was fined, I believe, 10s. I don't recollect whether it was 10s. or not.

5509. That is not of importance; do you recollect

what the language was that he made use of?—Oh, I could not say. It was only after some time that I went up. I could not say that I heard any language.

5519 And I suppose you did not see that man guilty of any violence yourself?—Not myself.

5521. Being out of the constabulary force now, I am sure we shall get very valuable assistance from you on this subject; you have been in Derry for twenty years?—Twenty-eight years.

5523. And you have seen what has occurred here lately. Assuming that we shall be of opinion that it is desirable, as the Corporation have expressed it, as I think we may take for granted, that there should be a force of the Royal Irish Constabulary here, instead of the local force, to do the entire duty, night-watching for the purpose of protecting every place, and all day duties in addition to preserving the public peace, looking after markets, and so on, what force of the constabulary do you think would be necessary for the protection of the public peace?—Well, taking into consideration the great amount of what I would call military duty that the constabulary have, of routine duty, for it is a great military force at present, and that is considered paramount to all their other duties, attending on their drill parades and everything of that sort, I believe that less than 100 would not be sufficient. We might not calculate on more than one-third of them being for duty, perhaps not so much; when we take into consideration casualties, sickness, men on leave and all that, I do not believe we would have one-third of them for duty at a time.

5513. Are you aware that there are only, I think it is, 109 in Cork, and the district in Cork is very much larger; there are only 109 in Cork, and there the district extends in some parts two miles from the centre of the town, and 100 would appear a very large number here?—Well, I do not know much about Cork, but, as far as I could learn from police who have served there, they have to do nothing but keep patrols in the city and go out occasionally. Till recently, I understand that was the rule there.

5514. At night, you are perfectly right—t. Here it is the rule to keep men on beats, and I will certainly say that you will never have more than one-third of the constabulary on duty.

5515. Mr. Commissioner MURPHY.—You mean not more than one third on foot at a time, for the discharge of their ordinary duty?—For the discharge of their ordinary duty. About eight hours out of the twenty-four is as much as I believe. Then with private constables, and so forth, the staff is very large in the constabulary.

5516. Mr. Commissioner EXHAM.—I suppose you are including in that the district outside the city limits—that is included, I suppose, and the watching of that?—Yes, I should say so.

5517. When was it you left the force?—The 14th of February last.

5518. While you were in the force were you aware at all of the arming that we have heard of?—The first account I heard of arming was previous to the election. Previous to the election I did hear that there was a number of revolvers imported into the city, but I still believe the rumour to be greatly exaggerated.

5519. You did?—And so will—greatly exaggerated. That arms did come, revolvers and all, I believe.

5520. Mr. Commissioner MURPHY.—But I suppose you have no means of knowing the exact number that may be?—Oh, not the slightest.

5521. You neither are nor were the person to whom they would be likely to disclose it?—No; I assisted Captain O'Connell in registering arms recently, and when I heard it was said here, and saw it in the papers, that there was such a number of arms, I was surprised to think that there were so very few registered in the city, and I would say that the half of those registered were old rebo arms unfit for use altogether; for I filled all the boxes myself.

5522. Mr. Commissioner EXHAM.—There were none of those twelve chambered revolvers?—Well, there was a number of revolvers registered in town.

5523. There is a question I forgot to ask Mr. Ferguson when he was here yesterday; do you happen to know, from hearing it, what the number of those Apprentice Boys is—about how many?—I have not the slightest knowledge of how many there are.

Mr. Ferguson.—As a matter of fact that information will be furnished.

Mr. Colborn.—The Governor of the Apprentice Boys will be here in a short time.

Mr. M'Loughlin.—You have it on the evidence of the first witness, Mr. Hampton, who stated there were 900.

Mr. Commissioner EXHAM.—I should like just to ask Mr. Ferguson the number.

5524. Mr. M'Loughlin.—Mr. Bailey, do you happen to know whether there did exist, rightly or wrongly, a prejudice against the city police?—Before I answer you, Mr. M'Loughlin, I came here, at the request of the Commissioner, to this Court, to answer them any questions they would put to me.

5525. And do you refuse to answer me?—When I am done here, inasmuch as it appears you appear for a political party, and that another party is unrepresented, and that your questions would be calculated to leave a wrong impression on the Court, expecting of course to get answers to suit your end, I declare, unless the Court direct me, to answer any questions I have retired into private life, and I should wish to do so.

Mr. Commissioner MURPHY.—Do you think it necessary, Mr. M'Loughlin, to ask that question. We have had evidence, again and again, that they have not been considered as efficient as the constabulary here for the discharge of the duties of the city. We have had the resolutions of the Corporation that they would wish that they should be replaced by the Royal Irish Constabulary. Is it not almost a conceded fact that, as a force for the preservation of the peace, they have not been perfectly satisfactory here?

Mr. M'Loughlin.—I wish to know whether the Commissioners mean to lay it down for law, with respect to the most important part of the inquiry here, being connected with the city police, that when the Commissioners, actuated by what influence I don't know, and operated upon by information conveyed to them, I don't know to what manner, call upon Mr. Bailey, who had been Head-Constable here for the last twenty-eight years, a man of special intelligence, and extensive information, and examine him on the direct, they then, as regards their mode of proceeding towards me, representing a large portion of the population here, will back up Mr. Bailey in refusing to answer me.

Mr. Commissioner MURPHY.—I put it to your own good taste and sense, that that is not a fair way to put it, that we are sheltering Mr. Bailey. When he was brought on the table it was stated that he had no desire to be a witness, and that the Secretary of the Commission had requested him to come forward and give evidence, and that the agent of Mr. Eschen asked him to come forward was, because some of the city police force who were unrepresented here, and had no advocate here, and whose interests might be supposed to be involved in this inquiry, and a Head-Constable Bailey, who had great experience in this city as a member of the Irish Constabulary force, can give you good evidence as to our proceedings on that night of the 29th of July, when we were accused of having virtually favoured the attack on the Hall. That request we thought it only right and reasonable to comply with, and Mr. Bailey was produced here, not a willing witness, not anxious to become a witness at all, but produced on their behalf, to testify to the proceedings of the 29th of July. We don't rule anything, but I only suggest to you what may be a fair question. If men are down, why should we strike them? I only tell you the circumstances under which Mr. Bailey comes here, and put it to your own good sense whether you will pursue that inquiry further. Do you wish now to extract any further evidence, on one side or the other, from the city police?

Mr. M'Loughlin.—We are still leaving the matter undecided.

Mr. Commissioner EXHAM.—You said, in cross-examination,

SWORN DUE.
August 27.
Witness
Bailey.

From Mr.
August 28.
William
Bailey.

quency of information, you did not know how received. Well, on the 23rd of August, we received a letter, directed to the Commissioners, from some members of the police force, mentioning certain facts connected with it, and stating that, with respect to their conduct on the night of the 20th July, Mr. Bailey, who was Head-Constable then, could give information, and that they hoped he would be examined. We did not think it requisite to examine Mr. Bailey, and yesterday evening a letter was sent to our lodgings by the very same parties, in the former letter the men having stated that they did not mean to employ any advocate to represent them here. Not having called Mr. Bailey, we yesterday evening received another, referring to our not having called him, and asking that he should be called; and, accordingly, then we directed our Secretary to give the usual letter of request to Mr. Bailey, to ask him to come forward here, and he did so.

Mr. McLaughlin.—That is most satisfactory. Mr. Commissioner MURPHY.—No man could avoid being affected by the consideration that those men were, as the Inspector told us yesterday, virtually told to withdraw from this. Their Inspector said, "If we are going, let us go with a good character for the time, and we call on the Head-Constable, a man of great experience, to testify as to that."

Mr. McLaughlin.—The general question I mean to put in this—is it to be a rule that one class of witnesses are to go into the box and are affirmatively to give evidence in answer to the questions of the Commissioners, and then, the instant a person who occupies the position that I have the misfortune to occupy here puts a question, it is not to be answered or allowed?

Mr. Commissioner MURPHY.—We have made no such ruling, and do not mean to make it.

5533. Mr. McLaughlin.—Now, rightly or wrongly, Mr. Bailey, was there the same confidence in the city police that there was in the constabulary, among one class of the population?—Well, I will not answer that unless I am directed by the Court. I have stated my reason for not answering any questions. My answer is this, that I consider it a one-sided evidence my evidence would be, if I were to allow Mr. McLaughlin to cross-examine me.

Mr. McLaughlin.—I suppose, then, it is a two-sided evidence that he gave on the street. Of course Mr. Bailey can save the Commissioners from any ruling by refusing simply.

Mr. Commissioner EHAM.—So far as I am personally concerned, I do not require Mr. Bailey to answer the question, because I have not the slightest doubt that there was not confidence, and I am not, in the slightest degree, surprised at it. (To witness.) I would not say that you are to answer it, and I, for one, would not ask you to answer it, but, being out of the box now, I think you may answer it, and as one can say anything to you for giving your candid opinion.

5537. Mr. Commissioner MURPHY.—Now, rightly or wrongly, was there a prejudice, rightly or wrongly did they not repose equal confidence in them?—Well, it is always believed that whenever a force is got

up with men that are conversant with all the characters in the town, good and bad both, no matter if you were the most immaculate in the world, there would be things attributed to you, and they were to the city police, because they were people of the town.

5538. Mr. Commissioner EHAM.—And a local force?—And a local force.

5539. There was a certain amount of prejudice against them in a certain class?—No doubt.

5540. Mr. McLaughlin.—Do you believe that that prejudice has been in any way increased by the fact, that some of the members of the local police—I do not say what rank—had the fortune or misfortune to have some members of their families among the Apprentice Boys?—The witness (to the Commissioners).—Do you think I am to answer that?

5541. Mr. Commissioner EHAM.—I think you may answer that too?—I have not the slightest knowledge of whether they were or not.

5542. Or did you ever hear it alleged?—Never heard it alleged in consequence of their having some Apprentice Boys, nor any branches of their families.

5543. Mr. McLaughlin.—Do you know, as a fact, that some of them have?—I do not; I know nothing of the sort.

5544. Now look at that [handing to witness a slip of paper on which a name was written]?—I will answer as private signs whatever.

5545. Then I will ask was Mr. Maguire?—No, I knew you appear here for a certain party, and I will not do it.

Mr. Commissioner EHAM.—I for one think we ought not to go into a question about individuals.

Mr. McLaughlin.—That is not the question, you are going into, with great respect. The witness says I am going to examine him by private signs. Is it not the fact that when I was obliged to put some questions two days ago, owing to a suggestion, I abstained from mentioning any names to Mr. Gregg. I then told the Court clearly that I would ask Mr. Gregg certain questions by waiting down the names in order that the character of the man might not be affected.

Mr. Commissioner MURPHY.—The witness says that he did not know that they had members of their families Apprentice Boys; but, supposing they had—and I think we may take it for granted.

Mr. McLaughlin.—If you take it for granted it would be quite enough.

Mr. Commissioner MURPHY.—I think it would be almost impossible to avoid it here unless they made a rule among their own families.

Mr. McLaughlin.—I wrote down the names with a view to save the characters of the men for their positions. I doubt whether I was not neglecting the discharge of my duty as not putting it out of view. But, when a man goes out of his way to spare the character of his opponents, I think it is too bad to have it attributed to a wrong motive.

Mr. Commissioner MURPHY.—We did not attribute it to a wrong motive.

Mr. Commissioner MURPHY.—We did not attribute it to a wrong motive.

Mr. James William Gregg, being present, recalled and re-examined.

5546. Mr. Commissioner EHAM.—Mr. Gregg can you tell us the number of the Apprentice Boys? you forgot to ask the question of Mr. Ferguson yesterday?

—I do not know the number now, when I was associated with them I suppose there were about 300. When I left, the Constitution of the Society was quite changed, because at that time it was composed principally of Derry people. There were very strict rules about the persons admitted, and since that I have seen strangers among them.

Mr. McLaughlin.—I wish this to appear with Mr. Bailey's evidence that the witness declined to answer any further questions from Mr. McLaughlin.

Mr. Commissioner EHAM.—If it is proved, I for one will decide that I will not allow the question to be put.

Mr. McLaughlin.—Well, will you allow that to go down?

Mr. Commissioner EHAM.—Yes, with our refusal to allow the question to be put. I refused to allow Mr.

Mr. McLaughlin.—I was misled by what was done within the last two days, for I was allowed to do then everything that I am not now.

Mr. Alexander Crawford.—I think there is a gentleman in town, Mr. Warrack, the Petty Sessions Clerk of Londonderry for nearly forty years.

Mr. James
William
Gregg

Mr. Commissioner EHRMAN.—That is the father of the gentleman who was examined the other day?

Mr. Crawford.—Yes, the father.—The son is only a year in office, and knows comparatively little of the town.

Mr. McLaughlin.—Is Mr. Crawford aware that Mr. Warnock cannot also to refuse to answer me when he comes into the box?

Mr. Commissioner EHRMAN.—Unless Mr. Warnock can give us information as to the state of the last year or two, to which we have limited our inquiry, I do not think we need trouble him.

Mr. Crawford.—I think it would be principally in reference to the impartiality of the magistrature.

Mr. Commissioner MURPHY.—But, supposing now that he was to give an opposite opinion from that which you think he will give, because he was in office himself as their clerk and his son is now their clerk?

I do not think it would be even respectful to the magistrates to put him forward and ask his opinion as to them. For instance, if he came forward, as a clerk that had ceased to have any connection with them, and said that they were not impartial but partial, would not the magistrates be very indignant?

Mr. Crawford.—He will certainly be able to inform the Commissioners as to how the magistrates for a number of years past acted, when offences arising out of political feeling were adjudicated on.

Mr. Commissioner MURPHY.—Sir Edward Reid's evidence was to that effect.

Mr. Commissioner EHRMAN.—And we have had Mr. Tillis, J. Thompson, and Mr. O'Neill.

Mr. Commissioner MURPHY.—And Mr. McCarter.

Mr. Commissioner EHRMAN.—And other officers here.

None say
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—
Mr. James
William
Crawford.

Mr. Alexander Crawford then offered himself as a witness and was examined

Mr. Alexander
Crawford.

5537. Mr. Commissioner MURPHY.—You have had great experience of the administration of justice by the magistrates of this city?—I have been practising before them for nearly twenty years, and I believe there is not a more impartial bench of Magistrates in Ireland. I have been practising before many other benches, and I never saw any bench so exact in business the Derry bench of magistrates. If they have a hearing at all, being Protestants, their leaning is towards the Roman Catholics and against their co-religionists.

5538. Now, with respect to those prosecutions, you have seen them take place very frequently?—I have, since I was a boy.

5539. And are you not aware that a great deal of bad feeling is excited by them among the Roman Catholic population?—I am not.

5540. You do not think a great deal of bad feeling is excited by them?—I am not aware of any, except where a number of people have congregated on a fair day, or what we call here rifle day. Representatives of both sides when they get drunk have quarrels, but nothing more serious than that I ever remember arising out of prosecutions or celebrations.

John Hamilton, Esq., J.P., examined.

John Hamil-
ton, Esq., J.P.

5544. Mr. Commissioner EHRMAN.—You are one of the magistrates here?—I am.

5545. How long have you held the commission of the peace?—Three three or four years.

5546. Have you been a rather constant attendant, Mr. Hamilton?—I have.

5547. Now are you doing business in town here?—I am not now.

5548. But were you?—Yes, I was.

5549. And I suppose you have been living here?—Thirty years or thereabouts.

5550. First of all can you say yourself, from your mixing with the inhabitants of the town and so on, is there, in your opinion, any feeling amongst the Roman Catholics of this city against the magistrature?—I never was at all aware of it until this Commission came to sit. When you say amongst the Roman Catholics—I do not suppose that our decisions pleased everybody, but I think I understood you to ask whether the Roman Catholics, as a body, have a feeling against the magistrature. I never heard of it until this Commission came to sit.

5551. Never heard of an impression that the oath of a Roman Catholic was not paid the same attention to by the magistrates as that of a Protestant?—Certainly not, and it is not the case, in my opinion, as a magistrate.

5552. I was going to ask you, as far as you have seen, since you attended the bench of magistrates in Londonderry, has the administration of justice on the part of the magistrates there, been pure and impartial?—I believe so, I have no hesitation in saying that it has been so in every case. There might be little differences of opinion among the magistrates, but I never saw anything that would make me believe that there was any partiality.

5553. On the occasion of these late unhappy matters

here, have you attended the meetings of the magistrates, to make arrangements preliminary to them?—I did.

5554. Were the stipendiary magistrates present at those meetings?—They were present at the meetings. Captain Coote was present at one, and Mr. O'Donnell and Captain Coote at another. At the principal meeting the two were.

5555. Do you recollect the one at which Captain Poole was present too, do you remember that one?—I do not remember that one; I do not think I was there, at least I do not remember.

5556. Well, on any occasion on which the stipendiary magistrates did attend, did you see any disposition on the part of the magistrates to override their opinion?—Certainly not.

5557. Or to consult them?—To consult them. I think they were consulted, and I think deferred to.

5558. And deferred to?—I should say so, certainly, for my own part, by me.

5559. That is, you thought they were gentlemen of greater experience with regard to matters of anticipated riot and taking proper precautions?—Exactly.

5560. And as far as you could see your brother magistrates acted on the same view?—Exactly.

5561. And referred to them and took their advice?—I believe every one of them did; I believe they did.

5562. Now I ask you, with reference to the future peace of this city, is it or is it not your opinion that the holding of those processions is desirable—is it or is it not desirable?—I think not, and if you wish I will give you my reason.

5563. Certainly, we wish to hear your opinion of the matter?—I should say, in the first instance, that so far as I am concerned, I should never object to them, perhaps the reverse, but I have never taken part in them; and I think that so far as the Apprentice

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Clerk, &c., &c.

Boys' party are concerned, if they would consult their best interests they would give them over, for this reason, that I have known for a long while that before these celebrations, as they are called, come on, the Apprentice Boys, who are most of them working people, get excited and neglect their business, perhaps some of them "go upon the spree" as we call it, and thus can be no possible good for them; and I think that is one reason why they should be discontinued.

5564. Mr. Commissioner MURPHY.—And, furthermore, with respect to persons of different religions, do you think it excites angry feelings between them also?—I have always known—I am sure I may say known—that a number of people, Roman Catholics, or calling themselves Roman Catholics, were opposed to these celebrations, but I do not believe that those that I speak of were a bit more opposed to them than opposed to any other Protestant demonstrations, from an Orange procession, if I may say so, to an open-air preaching. But since the Commission commenced I have heard that the more respectable and better informed and influential Roman Catholics, as a body, are opposed to them too.

5565. And you think that regard should be paid to their feelings and opinions on that subject?—Certainly; in a matter that I do not see any absolute necessity for, I think that any means should be taken—

5566. That means should be taken to conciliate the parties where you are not abandoning, as you say, some principle, or there is no absolute necessity?—Yes.

5567. Where you are not abandoning something that you consider absolutely necessary?—That is my feeling.

5568. And you are a Conservative in politics yourself?—I do not know whether they do so. Conserv-

ative or not. I suppose I am. I am so far a Conservative—

5569. Mr. Commissioner ELLAM.—What I think it right to ask you is this—is it your opinion that these demonstrations everywhere should be put down, that are calculated to give offence to people on the other side, no matter what demonstrations they are?—I think demonstrations having a political tendency ought to be put down.

5570. And, with regard to bands playing in the streets?—Well, I should say so. Of course I have nothing to do with anywhere but Derry. (To Mr. Commissioner Murphy) You asked me if I was a Conservative. If you want to know anything about it I will tell you. I am so far a Conservative that I wish to conserve everything that is lawful and right and useful; but where, in my opinion, a thing is not absolutely necessary, and it gives offence, and where the maintaining of it does not imply any principle, or anything of that kind, I would give it up. I think that makes me a Liberal.

5571. Mr. Commissioner MURPHY.—We were getting an opinion from you that could not be supposed to be affected by any political prejudices?—Oh, no.

5572. Mr. M'Loughlin.—You acted on the Committee for Lord Claude Hamilton at the late election?—No, I did not; I was put on the Committee, and I did what I did for Lord Claude Hamilton on personal grounds.

5573. The published list led me to believe so. You voted for the Conservative party?—I did. I voted for Lord Claude, and I would most likely vote for him again on personal grounds.

Mr. John Guy
Ferguson.

Mr. John Guy Ferguson being in Court, was recalled and re-examined

5574. Mr. Commissioner ELLAM.—Would you give me leave to ask you, Mr. Ferguson, about the number of the Apprentice Boys?—Well, the number of active members is 300, and of honorary members about 200. The active members are all residents of the city. I hear a statement has been made that the constitution of the body has been changed. The constitution of a body changes of course in a few years materially, from influx of people and emigration and other causes; but the members of the club—the active members of the club—are residents of the city of Derry. Among the honorary members you will find some people of very high social position.

5575. Can you tell me whether or not, previous to last year, the Apprentice Boys were generally armed?—I do not believe that one in every ten of them was armed.

5576. Since the commencement of the last election, can you tell me whether or not they have been more extensively armed?—There were no arms provided for them. I am not aware of individuals having got arms. There was no general arming; there was nothing of the kind. To be candid, I may as well state that there was nothing in the shape of revolvers brought over here for arming them. The expense goes to for arming them was in respect of some inexpensive thing like a baton.

5577. Was there any such thing as persons armed as a body or club?—Never.

5578. Or any subscriptions among them for the purchase of arms?—Never, I should explain to you that there are two rifle clubs; one is called the Maiden City Rifle Club of tradesmen. The greater portion of these are Apprentice Boys. They are all tradesmen and householders. I think they have all got licenses for their rifles from the resident magistrates.

5579. But there was no such thing in the course of last year as the as ever you knew as an arming of the body by subscription, or anything of the kind?—Never.

5580. You cannot, of course, tell what may be the case with respect to private individuals?—I cannot tell you that; but I do not know what may be the case here now, because I may tell you that the feeling is very strong since the evidence given here in this court.

5581. But up to the time of this Commission, so

far as your knowledge extends, there was no general arming—at all events, there were no arms provided amongst the body as a body or otherwise?—Never.

Mr. M'Loughlin.—You should ask this witness whether prior to last year the Apprentice Boy party or the Roman Catholic party were the better armed.

5582. Mr. Commissioner ELLAM.—Have you any means of knowing whether prior to last year the Apprentice Boy party or the Roman Catholic party were the better armed?—I do not believe that either party were very generally armed. I do not believe that such a thing as has transpired here was in existence in Derry a year or two ago.

5583. Mr. Commissioner MURPHY.—But looking at the position of the two parties, which of the two would you say was likely to have the greater number of fire-arms in their possession—without any particular knowledge?—Well, I believe, that the Protestants of Derry would have arms such as fowling-pieces and rifles, that is, the better class of members of the club, and that quite openly, for the purpose of amusement.

5584. Mr. Commissioner ELLAM.—But as to revolvers?—Oh, I think that even at the time of the election the number of revolvers in the possession of the Apprentice Boys was extremely limited. With respect to my evidence yesterday I wish to correct a false impression, although it is a very trifling matter, in connection with the Northern Counties Railway. I said that those excursion trains were originally instituted near three or four years ago, and in order to be perfectly candid, I should state that before the last celebration I was written to by several parties on the Northern line, to ask if they could get facilities to come along the line, and in consequence of that I wrote to the manager, and he simply replied that he would run the usual train.

Mr. Gregg.—I certainly repeat what I stated that, from my experience of the Apprentice Boys, and seeing them going out on the occasions of the celebrations, one half of them are not composed of Derry people.

Mr. Ferguson.—I state positively that Mr. Gregg has stated a falsehood. I unhesitatingly say that the active members of the body are all Derry men. Would the Commission be at all surprised to learn that Mr. Gregg was the gentleman that fired the cannon off the church?

Mr. Gregg—I was not. It is untrue.
 Mr. Ferguson—I heard it. (To the Commissioner)
 —Have I not the best opportunity of judging of those things?

Mr. Commissioner MURPHY.—You may; but what you have said is not inconsistent with what Mr. Gregg stated, that on the occasion of the last celebration, or some of the recent celebrations, he saw persons in the procession who were not men of Derry.

Mr. Ferguson.—That may be all perfectly true, and does not affect my statement at all, and I repeat that the men of the society are exclusively Derrymen.

Mr. Commissioner MURPHY.—You say that the active members, that is, that the prominent members of the society in Derry, are Derrymen.

Mr. Ferguson.—Of course they are, with very few exceptions.

Mr. Commissioner MURPHY.—Of course, but on the occasions of the processions men may come from other places, strangers, and take part in the processions. That is what Mr. Gregg says.

Mr. Commissioner EHRAM.—What I understood Mr. Gregg to say was not that there were strangers amongst the Apprentice Boys, but that, originally, when he was connected with the body, the only persons taking part in the processions were Apprentice Boys, and that of late years he has seen other persons from the country coming in and taking part by forming or walking in the processions.

Mr. Ferguson.—Most undoubtedly, but Mr. Gregg very wrongly misapprehended what I stated.

Mr. Commissioner MURPHY.—There must really be some misapprehension between you both. I am sure Mr. Gregg regrets what he said to you, but I am sure you will see that you should not have stated what you did. Mr. Gregg is in an official position, and you should not on mere hearsay have stated that he had taken a part in this procession and fired off a cannon; and after his denying it you should not have repeated it.

Mr. Ferguson.—I think it very hard that such statements should be made of the Apprentice Boys. I appear here and adopt a manly, straightforward course in connection with these celebrations, but I can tell you that people come into the Court and say one thing while they act outside in another way.

Dr. MILLER, J.P., Mayor of the City of Derry, examined:—

5585. Mr. Commissioner EHRAM.—At present we know you are Mayor of this city?—Yes.

5586. You were Mayor before?—Yes; this is the sixth time I have been Mayor.

5587. I suppose you have been a long time a magistrate?—Yes, on the melancholy occasion, when Dr. Babington died, I had returned from Portrush, and gentlemen asked me if I would accept the mayoralty, and offer some consolation to I and I would. A requisition was made to me. I think all but two of the corporation joined in the requisition to me to accept the office, and I thought under the circumstances that I could not refuse it. I had no wish to be Mayor at the time myself.

5588. And you were a magistrate for a number of years before?—For a number of years, but I have not taken a very active part as a magistrate, for I was occupied professionally.

5589. Except, I suppose, when you were Mayor?—Unless when I was Mayor.

5590. Are you aware, or were you aware that there was any impression abroad amongst the Roman Catholic population here that justice was not fairly administered by the magistrates of this important city?—I was not aware of it; but I think there is an impression that, wherever party is administering justice, the party who do not agree with them in creed, or who want to get power, are opposed to that party. I have heard objections made to the judges of the bench when of a different creed, and in the same sort of way to the magistrates.

5591. But nothing exceptional with regard to the Derry bench of magistrates?—Not that I am aware of.

5592. Let that impression be shrouded or not, may I

Mr. Commissioner EHRAM.—We do not inquire about who fired or did not fire from the church. Mr. Gregg did not state—he certainly did not—I state positively that he did not state that which you were under the impression he stated, and being under the impression that Mr. Gregg had stated it is naturally excited you a little. We think Mr. Ferguson came forward most candidly and fairly to give us all the information in his power.

Mr. Gregg.—I withdrew what I said if Mr. Ferguson withdraws the statement he made.

Mr. Ferguson.—I withdraw any statement that the Commissioners may consider improper or ungentlemanly. I should be sorry to make any observation except I considered any veracity was impugned, and I think it is of the utmost importance that every word I say should be considered truthful, on account of the position I hold.

Mr. Commissioner EHRAM.—Certainly, and I am sure there was no impression conveyed to my mind as to that of Mr. Murphy, by saying Mr. Gregg stated, which would justify the idea you were under as to what he did say.

Mr. Ferguson.—I considered that Mr. Gregg, whether rightly or wrongly, impugned the truth of what I stated, as regarded the constitution of the club, and I felt that he had just as much knowledge or means of judging of the truth of what he stated, as I had of the rumor that he had acted in another way.

Mr. Commissioner EHRAM.—And when your premises fall your conclusion must fall. I am not blaming you if the premises were correct, but when the premises are not correct there is no occasion for a conclusion.

Mr. Ferguson.—I repeat what I stated, that I withdrew any word that is unbecoming or improper; but I still adhere to my statement that the members of the Association are Derrymen. As regards the other statement that I made in regard to Mr. Gregg, I withdraw it also, because I have no knowledge myself of its truth.

Mr. Commissioner EHRAM.—So far from your contradicting Mr. Gregg's statement, or his contradicting yours, you confirm his statement by saying that of late years there have been a number of persons not Apprentice Boys who joined in the processions.

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Mr. John Gray Ferguson.

Dr. Miller, J.P., Mayor.

ask you whether, when you have presided on that bench of magistrates, you have ever seen partiality exhibited there?—I most solemnly say I have not.

5593. You have always seen the magistrates fairly, to the best of their ability, dispose of each case brought before them, without fear, favour, or affection?—I believe so—according to the evidence that was produced.

5594. Have you, on occasions when the stipendiary magistrates were there—an recent occasions—seen the magistrates taking their advice, and co-operating with them as well as they could?—As far as I know, I co-operated myself on the last occasion. At the last anniversary I had a meeting of magistrates summoned to consider what was best, and we all agreed that certain measures should be adopted in case there was a breach of the peace, and that nothing was to be done unless there was a breach of the peace.

5595. And that was with the co-operation of the resident magistrates who assisted you?—Yes, it was.

5596. I believe Mr. O'Donnell was one?—Yes.

5597. And Captain Coote?—I forget whether Mr. O'Donnell was one, but certainly Captain Coote was present.

Mr. O'Donnell.—I was present.

5598. Mr. Commissioner EHRAM.—(to witness)—Now, you have great experience, may I ask you whether you think that the keeping up of these celebrations is calculated to endanger the public peace?

5599. In what way, sir?

5600. Mr. Commissioner MURPHY.—In provoking a collision between two parties of opposite creeds.—

5601. But you see there are different ways of keeping

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 &c., Mayor.

up these things. I want to know is it the procession you mean?

5602. Mr. Commissioner ENHAM.—I mean the demonstration that has hitherto taken place on these days by what is called the Apprentice Boy party?—That is, the procession?

5603. Yes—I cannot believe that any procession is for the public good. I believe that all processions ought to be put an end to.

5604. That is, all over the land?—Every procession calculated to produce an uncomfortable feeling.

5605. Mr. Commissioner MURPHY.—And these are calculated to produce an uncomfortable feeling among the Roman Catholic population?—Oh, I think it is very likely that is the case. I think it is very likely.

5606. Mr. Commissioner ENHAM.—It is your opinion that processions, no matter where they are in Ireland, are calculated to cause animosity on some side or another, and therefore it would be better to put all down?—Certainly; and unless one is put down, there is no use in putting down another, because then you are giving an ascendancy to the party you allow to keep them up.

5607. Mr. M^r Langhlin.—I believe, on one occasion, eighteen or nineteen or twenty years ago, when you were Mayor, an effort was made to put down these celebrations, so far as out-door processions?—How many years ago?

5608. Nineteen?—Yes; the second time I was Mayor. There was an Act passed at that time, and I remember surrounding a meeting of the magistrates, and it was thought that if the procession took place under certain circumstances it would be illegal, and I went along with the stipendiary magistrates then, Mr. Coote.

5609. Mr. Condon?—Mr. Condon.—to stop it. And the Apprentice Boys had their guns on the walls, and they fired, and information was made against them, and the matter was brought before the Grand Jury, and they ignored the bills that were brought before them, and it did not go to trial. They thought it did not come within the law.

5610. That was in 1851 or 1852?—It was about that time.

5611. Mr. Commissioner ENHAM.—The magistrates sent them for trial?—Yes.

5612. Mr. M^r Langhlin.—I believe the point raised at the time was that the cannon they fired were not fire-arms within the meaning of that particular Act.—I think that was so.

5613. I suppose the ordinary undecidability of those processions, so far as regards Derry, would be increased by recent unfortunate occurrences here?—I think that they have become—that there is more hostility to them undoubtedly than there was before, and I suppose chiefly since the last election.

5614. But it has been intensified since the death of those men?—Oh, I think the hostility is more to the constabulary since the death of those men than in any other way. I think it right to say that the general opinion is that they acted indirectly.

5615. Mr. Commissioner ENHAM.—Were you at all aware of any large meeting last year?—Not at all.

5616. Did you ever hear of it?—I heard of the Maff Glen business, you know.

5617. But with the exception of that?—Oh no, I did not hear of it; I think it is a shocking thing. I think it is a frightful conspiracy, because it is nothing but a conspiracy to shoot men down in order to put an end to these processions. I think that in a Christian country it is a perfect disgrace.

5618. Mr. M^r Langhlin.—I suppose if the authorities thought right to interfere and put down the celebrations?—I don't think they could do it without a new law. I do not think there is anything illegal in what is done here in that way. I think the duty of the magistrates is to preserve the peace.

5619. You take it then that the processions being perfectly legal, the duty of the magistrates and the police would be to protect the processions?—To preserve the public peace.

5620. Would the preservation of the public peace take the form of protecting the processions?—Of course if they were attacked it would be the duty of the magistrates and constabulary to interfere, and not to allow any one to attack them; just in the same sort of way as they would in the case of any other person.

5621. Would not the duty of the magistrates have been to prevent the two parties coming into collision in the first instance?—Well, I think so. When I was formerly mayor, at the marriage of the Queen, there was a threat of a very serious procession, and the magistrates were summoned, and met, and they published a proclamation to prevent it; and notwithstanding that they came in with a white and green colour, and the other party attacked them, and pulled it down, and it was torn in fragments.

5622. That was in front of the Corporation Hall?—I think it was in Fungestreet it happened.

5623. Mr. Commissioner ENHAM.—Which party came in with the green flag?—The party usually called the Bogside party.

5624. And then the Apprentice Boy party attacked it and pulled it down?—I believe so; but the military were soon called out, thinking it was necessary that a force should be present to preserve the peace on that occasion, and it was soon over. Well, these people were tried afterwards. They first sent up a memorial to the Lord Lieutenant of the day against me, and it was sent down to me, and I answered it. When these people were put on their trial, according as they come forward when they were on their oath, I asked, "Do you know the contents of this memorial—did you sign it?" and they said they did not know the contents of it at all, and this memorial had been prepared and sent up by some person acting for them; and it was contradicted on their oath, and I sent that answer to the Lord Lieutenant of the day.

5625. Mr. M^r Langhlin.—There have been no Patrick's Day processions since?—Well, I really do not remember exactly about that.

5626. Having regard to the fact that prevention is better than cure?—I was about to answer in respect to that, that the plan I adopted on any of these occasions since that was, that when there was any apprehension of a breach of the peace to put police on each gate and prevent them coming in, and then, if there are any troublesome people, I order the constabulary to deal with them according to circumstances.

5627. Then applying the rule that you have applied so successfully heretofore, the procession that you would take, if in command of the authorities, on the night of the 18th December, would be to put an armed force to guard the gates and keep the Catholics out, so that the Apprentice Boys might have their celebration inside the wall?—If I had any reason to think that there would be any danger to life or property I would call out the military, and prevent any party coming in that I should consider likely to be guilty of a breach of the peace.

5628. You would do that by keeping one party out and another in?—I think that would be the better course.

5629. Mr. Crawford.—I want to know your opinion, as to whether it would show weakness or otherwise on the part of the Government, to put down these celebrations at present, with evidence of 5,000 Roman Catholics being armed with the intention of putting them down by force?—Well, my opinion is that the stipendiary magistrates, having information before them, should investigate those facts, and that there should be a general search for arms, and that not once but repeatedly, for there are various ways of concealing these things, and that there should be no loss of time till these arms should be seized, or got out of the country.

5630. Mr. Commissioner ENHAM.—They would not have force enough to do that?—I—Oh, I think that the Government, if they wished to be a Government, would send a sufficient force to do it.

John Charles O'Donnell, esq., &c., examined.

Sixth Box

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John Charles O'Donnell, esq. &c.

5481. Mr. Commissioner MURPHY.—Mr. O'Donnell you came here as resident magistrate some time after April last?—I did; on the 10th of May.

5482. You recollect the period coming round of the 12th of August?—Yes.

5483. Did you attend a meeting of the magistrates at that time?—Yes; I had left this far Belfast, and came again here specially for the 12th of August.

5484. On special duty?—Yes.

5485. Were you here on the 12th of July?—I was.

5486. Were you out at that place called the Muff Glen?—I was on duty that day at the Muff Glen.

5487. We have had a good deal of the details of evidence with respect to it, but did you see a formidable array of arms in possession of either party or both parties there?—Well, I will explain to the Commissioners what I did see and did not see. I went there by arrangement with a body of police and military to preserve the peace. There were three bodies of police—a body of nine police divided into parties of three, at some short distance from each other, with a view to acting together if necessary in aid of each other. There were also some fifty soldiers, to support the police if necessary. The cause of the apprehension of a breach of the peace was, that one party it was believed intended to cross a bridge at that place, and that the other party were determined to prevent them. Beyond the bridge one party, called the Catholic party, were assembled, as I was told, and, as I was informed by the police, armed as well. There were some 800 people assembled there to dispute the passage of the bridge; our duty was to look on and prevent a collision between the parties.

5488. Did you see arms in the possession of the parties that came there at either side?—I did not see this crowd; I avoided seeing them, and I did not wish to go near them to see them.

5489. You were afraid you might be compelled to take action?—I might be compelled to take action; and taking action might be the cause of the very thing I had to prevent—a riot.

5490. And you kept yourself clear?—No second party, though threatened to come, did appear, and therefore the peace was not broken; but I am afraid, from what I was informed of and could observe, that if the second party did appear the amount of force there, or any amount of force there, would not have preserved the peace—would not have prevented a collision of parties.

5491. And, from what you heard, you have no doubt also that that would have been a collision between parties using fire-arms one against the other?—Yes, in a deadly manner. Of course, had it been legal for me I should, at all hazards, have surrounded that crowd and dispersed them; but the place was not proscribed. I preferred, I may state for myself that, though I believed the crowd to be illegal, I preferred that the illegality should take place, so that I did not by any act of mine endanger the peace.

5492. You were here then on the 12th of August?—I was.

5493. I believe Captain Coote was here with you?—He was here with me.

5494. Do you recollect, prior to the 12th of August, your having attended the meeting of magistrates, which the Mayor has referred to now, with several other gentlemen?—Yes, the Mayor was good enough to intimate that he wished to see me, and I went.

5495. And do you recollect a programme being held before the meeting then, by the President of the Apprentice Boys, telling you in what form the procession intended to go?—Captain Coote produced a programme, which he had got previously from Mr. Ferguson, and I read it carefully, and my opinion was asked upon it by the magistrates, and my opinion was, that if that programme were adhered to, and that there was no departure from what was stated upon that programme, it would be highly improper to interfere with the procession, and not only improper, but, as I believe,

illegal to do so. Of course assuming that the programme was adhered to.

5496. The programme that was given was within the strict letter of the law?—I thought so.

5497. And, I believe, you and Captain Coote agreed with the local magistrates, in that opinion?—Yes, we were unanimous in allowing the procession to take place.

5498. And were you then all agreed, as to the most effectual means to be taken for the preservation of the peace?—Well, the direction of those arrangements was delegated by the other magistrates to Mr. Coote and me—with the Mayor, of course?—The arrangements I speak of are what I may call the executive arrangements as regards the distribution of police.

5499. As regards the posting of police and constabulary here and there?—Yes. Then my opinion was, and it was followed next morning by Mr. Finamore, the County Inspector, that it was our duty to be there placed in the town, in such a manner as to have prevented any party from making a road upon that procession or interfering with it, and that when the authorities did not think it right to interfere with the procession no other party should be allowed to do so. And, in giving that opinion, I may state, that I was formed with by a gentleman of some position in this town, who said that I wanted to protect or to encourage that procession. My only object was to prevent a breach of the peace.

5500. So far as your opinion went, they were engaged in what you had no legal authority for preventing?—Yes, and therefore I did not wish to permit any other person to take an illegal authority that I did not assume to myself.

5501. Now, from the time that you were here on special duty, up to the time that you left, so far as you could judge, were all the local magistrates endeavouring, in the best way they could, to assist you in preserving the public peace of this city?—Well, there was no occasion for services of that kind during the time I was here, except on the 12th of August.

5502. Well, on that occasion they were?—On that occasion they were, and, on that day, not only were Captain Coote and I on duty but we were assisted in the same common object, the preservation of the peace, by several magistrates, Mr. O'Neill, Mr. Hamilton, and other gentlemen, whose names I do not remember just now, they were out on duty themselves and quite willing to give every aid in their power.

5503. Mr. Commissioner KEENE.—The Mayor himself, I believe?—The Mayor himself was there up to a late hour of the night, twelve o'clock.

5504. Mr. Commissioner MURPHY.—And, during the time that you presided on the bench, on any occasion, did they consult you or Captain Coote?—Well, the duties that I had to discharge were to sit at the court on the ordinary day when sessions are held, and more particularly during that long investigation as regards the police—the preliminary investigation. On those occasions, in open court—there are sometimes ten, sometimes eleven, sometimes a lesser number of magistrates—I did not always, I am sorry to say, agree with the opinions that were expressed in open court.

5505. You did not always agree with them?—I only speak of matters which are now matters of public notoriety, that occurred in open court; sometimes the magistrates would be perhaps influenced by my opinion, and at other times, on unimportant matters they were not.

5506. So far as you were able to judge, the administration of justice would appear to be clear and impartial in the city—so far as you were able to judge?—Well, really, so far as came within my experience here, nothing occurred beyond the ordinary routine of what occurs in petty sessions courts, except the long investigation I allude to. That was an investigation which, you are aware, I suppose, was not a judicial act at all; it was merely a ministerial one.

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5657. That was not a judicial inquiry?—It was not; it was an inquiry in order to see whether those men should be sent to another court or not.

5658. And so far as your opinion went—you are a gentleman of very great experience—no matter how parties might differ from you, was that inquiry fairly conducted?—Well, at that time there appeared to me to be a great deal of prejudice against the police who were then accused in regard to this unhappy homicide that occurred here, and I did think—I hope I may say so candidly, and for the information of the Commissioners, and with every possible respect for the magistrates who sat with me—I was of opinion that the general prejudice against the police was shared in by the magistrates. I do not say that the police were thereby done any injustice to, but it seemed to me that the magistrates found it almost impossible to banish a certain bias from their minds.

5659. Mr. McLaughlin.—When you say the police, you mean the constabulary?—The constabulary, I did not think of the local police at all; I may add that I was myself accused of bias the other day—that was, of partiality for the police; but I hope I am not going out of my way in stating that I had no bias for the police, beyond that bias that every person sitting in judgment ought to have towards throwing a protection over those who are accused, so far as is consistent with justice. It appeared to me in the investigation that very much seemed to be assumed against the police, and of the end I thought that they were sent forward for trial upon insufficient evidence.

5660. Mr. Commissioner EMMAN.—You thought so?—I thought so, and expressed that opinion openly in court. However, Captain Coote, the other resident magistrate, differed from me in that.

5661. He agreed with the magistrates that it was better to send forward the case for trial?—He agreed with the magistrates generally. Yes.

5662. Mr. Commissioner MURPHY.—I suppose you were of opinion that it was a case that should be further investigated?—I was of opinion, from the moment that I came here, that it was a case, considering that three lives were lost, that required a very full and careful investigation, to determine the only point at issue in the matter, namely, as to whether the police were justified or not in firing.

5663. Did you think that it would be a very strong case that would induce you to decide that yourself?—Oh, certainly.

5664. You would send it forward to a jury in my case?—I certainly think that the case, before being sent forward, should have received the fullest investigation possible, both for the sake of the police and the public; and it did not receive that investigation, and it was not conducted in the manner that I should like to have it conducted. I was most anxious that it should be taken out of the atmosphere of party feeling, which was certainly exhibited to a very unwelcome extent in the matter.

5665. Mr. Commissioner EMMAN.—But did you not consider it desirable, considering that the constabulary were charged with the taking of human life, to send it forward for investigation before another tribunal?—I think the Commissioners misunderstood me as to that. I thought it very desirable the case should go forward to another tribunal.

5666. Mr. Commissioner MURPHY.—And then you say it was sent forward without sufficient evidence?—I say that, on the evidence as it stood, it was not sufficient to send it forward, and that there ought to be further evidence advanced before it was sent forward. The case I thought incomplete.

5667. And was Captain Coote of that opinion?—The late Mayor was of opinion that it should be sent forward as it was, and Captain Coote agreed with him. I believe the other magistrates also were of that opinion. I was the only dissentient from it. Perhaps I may except Mr. O'Neill, but I am not sure about that. Before you leave the subject of the magistrates, I saw it reported in the public papers that a

witness here said that justice failed in his own particular case, because some insufficient fine was inflicted. Mr. Hampton was the witness, and my humble name was referred to in the matter. I was in the court on the day of the investigation when the occurrence took place, and the assault was clearly proved as charged against this young man, or rather boy; and before the late Mayor announced his decision, I certainly was of opinion, and I stated so privately to the Mayor, that the punishment was insufficient; and I told him that had I been dealing with the case myself, and had it occurred elsewhere, my opinion would be to send the boy to jail for a month, without a fine, for a gross outrage upon a citizen, an unoffending person in the town. I did not state that opinion publicly, and for this simple reason, that it was merely a question of degree in punishment, and the Mayor and other magistrates having decided that the boy ought to be punished, I wished to avoid what is always undesirable I think to bring before the public—a difference with brother-magistrates on a question of degree like that. If there were a principle at stake I should have stated it publicly, but it being merely a matter of degree in punishment, I expressed my opinion privately to the Mayor, and said nothing publicly.

5668. I believe you differed as to the degree of punishment very fairly and honestly?—Yes, but I did not think it was a case that called for my dissent, in any way, from the decision of the other magistrates.

5669. Mr. Commissioner EMMAN.—Do you recollect the case of the man Barker?—I do.

5670. About the taking of bail?—Yes.

5671. Because it was stated to us here, that you told the magistrates that, the charge being one of murder against the man, they had no power whatsoever to take bail?—No.

5672. And that they overruled you in that, and that in fact you cautioned them against it as an illegal act, the taking of bail, and that they persisted in doing it?—That is not a correct version of what occurred. In the first place, Captain Coote took the information from Murphy in the hospital, as against Barker, and he was the only one that took the information. Barker was arrested on that, and brought before Murphy for identification, and then Captain Coote committed Barker for trial, and he brought up at the next petty sessions court which sat here, and when that court on the case was further investigated, some little investigation took place with regard to it, but Murphy was still lying in the hospital, and the question then came on as to bail. I was not there the first day. Captain Coote differed from the other magistrates, who decided to take bail for this man Barker. I was the next day at the court to renew the bail, and Captain Coote asked me to give him my opinion, and I was clearly of opinion that it was a case in which I would not take bail, and that it was more advisable for the other magistrates not to do it. I did not say that it was illegal for them. I knew it was in their discretion to do it; but it was a case of that kind, homicide, in which I would not take it upon myself to do it.

5673. And that was a charge that he had shot at, and killed a man?—I merely advised the magistrates that I would not take the responsibility of accepting bail myself, and that I thought they ought not to do it, I did not say that it was illegal to do it.

5674. And then you saw that there was very substantial bail given, £100?—I left it to the other magistrates to do that. Of course if I dealt with it myself I should have refused bail, and allowed him to appeal to another court.

5675. Mr. McLaughlin.—Were you present when Captain Coote expressed his opinion specially to the magistrates as to the unsuitability of admitting this man to bail?—No; I was not in Derry at all the first day, when Barker was admitted to bail; it was on the second day when he came to renew his bail that I came and expressed my opinion, which agreed with that which Captain Coote had already given.

5676. Captain Coote, I may say, was virtually of your opinion?—Captain Coote gave his opinion first, I conceived in his opinion.

5677. With regard to this police investigation, when you stated that you thought it was a case that should be lifted out of the atmosphere of party feeling, and subjected to a full and fair investigation before sending the men forward for trial, I presume you meant that the investigation ought not to have terminated so prematurely?—I did.

5678. Now state the circumstances under which it was terminated, as well as you recollect?—There were no peculiar circumstances about it. I should like to be very accurate in anything I might say where the late poor Dr. Babington, the late mayor, was concerned, but it appeared to me as if the mayor was rather tired of the investigation, and was glad to get rid of it on any terms. There was a great portion of the time taken up, and, indeed, wasted, with unnecessary discussions of irrelevant matter, and I think the late mayor, from the course taken by the advocate for the men of kin, was glad to get rid of it on any terms at least.

5679. Mr. Commissioner MURPHY—I suppose he saw the result eventually, that the case should be sent for trial?—Yes, I suppose so, I was of opinion that it should go for trial certainly.

5680. Mr. McLaughlin—I suppose, in sending these men forward for trial, you would distinguish the kind of charge against them from the charge against Barker, as regards the readiness with which you would admit one or other to bail?—Oh, certainly.

5681. Kindly point out that distinction, because it was sought in a prior part of the commission proceedings to identify them. Kindly point out the grounds on which you think the two cases differed the one from the other?—I should have no hesitation whatsoever in accepting bail for the police, even against bail, that is their own. The difference would be that the police were a legal body—a legally constituted body—acting, as they believed at the time, whether rightly or wrongly I do not know, in the discharge of their duty. Malice could hardly be attributed to the police.

5682. Mr. Commissioner MURPHY—No one could have suggested that?—The fact of questions having been put to the members of the court, as to their admitting Barker to bail as readily as they admitted the police, led to the mistake.

5683. The distinction was very considerable. If Barker were admitted on his own recognizance, as the police were, it would be a very different thing?—The two cases were essentially distinct.

5684. Mr. Commissioner ELLMAN—Certainly, not the least doubt of it. The magistrates tracked their opinion by a different rule of bail.

5685. Mr. McLaughlin—Would your opinion be in favor of preventing all party proceedings of any kind, no matter from what party proceeding, in this town?—Do you refer to an abstract opinion?

5686. I mean proceed the town, and apply it to all parties and sections in it?—I am of opinion that in any place where opinion is so divided, as here and in other parts of Ireland, no proceeding of any kind should be permitted to take place.

5687. Then, having regard to the evidence given before this commission, you are of opinion that there does exist, rightly or wrongly, a very strong feeling of antagonism to these proceedings on the part of the Catholics?—I am quite aware of it, without the knowledge of the evidence given here.

5688. Was that knowledge derived from your sitting here?—Yes, from what I could learn from various sources.

5689. Now I may also ask you, with reference to your opportunities of acquiring information, do you believe that men are extensively in the hands of the people here?—I have had official information of it—of course I mean through reports.

5690. I suppose you are also of opinion that an in-

spector of police would not be justified in disclosing his official authority, or directions, or anything of that sort?—Of course not if it affected the public service.

5691. Now with reference to that very point I have mentioned, did there at any time in the course of the police investigation, arise any difference of opinion between you and the other magistrates as to compelling Mr. Inspector Stafford to give what he called official information?—Yes.

5692. Kindly explain that to the Commissioners?—Mr. Stafford was asked, or a question was asked, about certain information in regard to the men then on their trial—then accused. That information was given by the accused men officially, and he declined to give it. Many, I believe most, of the magistrates, including Captain Coote, thought he ought to give it. I stated my opinion that he ought not to give, and could not be compelled to give it. An adjournment of the Court then took place for a communication with the Government, and in due course an opinion came back from the responsible adviser of the Crown, that the question ought not to be asked or answered.

5693. Now, when you spoke, a little while ago, of what seemed to you to be an extension of the popular prejudice into the minds of the bench, at that investigation, did you think you had detected anything of that sort at the time that matter about the law of evidence was being discussed that you have just mentioned?—No, I did not; oh, no, I did not. I did not go into any particulars.

5694. Now you have also stated, and very fairly, that you yourself were assailed for your opinions during the time you were sitting there as magistrate, that wrong motives were attributed to you?—Well, I was assailed only by the advocate for the men of kin.

5695. May I ask you whether your impartiality was assailed on the very substantial ground of your personal religious views—in that respect?—Well, really Mr. Rossmore all manner of imputations, and I thought as little about them, that I could hardly tell you the precise grounds.

5696. You were here as stipendiary magistrates, brought here for the first time about that period?—Yes, that was the first time.

5697. Did the bench as a body interfere to restrain Mr. Rossmore in making those charges as regarded your personal religious views in any way?—No, I was sent here in the ordinary way for a public duty, and all manner of imputations were thrown out against me.

5698. That you had come here with the intentional determination to do a particular thing—with a foregone conclusion?—Those imputations were repeatedly made. It often occurred in Court during the course of this investigation that Mr. Rossmore made heresies to that effect—it frequently occurred; indeed I may say it was even personal; it went the length of imputing corruption to me.

5699. And you say that none of the magistrates interfered to restrain that?—I do not remember that any magistrate on the bench said anything when the observations were made.

5700. Now your opinion being as you have expressed it, with reference to the undesirability of these proceedings, of course it applies to the proceedings of all parties, ranks, creeds, or religions?—Certainly.

5701. No matter under what pretence?—If in a divided community, one party being Protestant and the other Catholic, a proceeding of the Protestant party gives offence to the other party being Catholic, I say that proceeding ought not to be allowed; and vice versa; and in the natural course of things if such a proceeding is allowed, there is a disposition to retaliate and have a counter proceeding. I may, for the information of the Commissioners, state that on the 12th of August last, charged with the responsibility that I had, in conjunction with others, I felt very anxious indeed, and so night approached I was thankful that we had got over the danger of the day, but when night did come on, about nine o'clock, a report came in that an-

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other procession was to march through the town with a rival band, I mean the band opposed to the Apprentice Boys, and I believe in the town that night the band was, that on a certain people had had the day, they would have the night. And that very alarming rumour increased our anxiety lest such a thing should take place, and I feared if that band had come into the town, some collision between the parties would take place. I give that by way of illustration, to show the necessity of doing away with bands and processions.

5702. Mr. Commissioner RUSKIN.—I suppose you and the other magistrates took precautions when you heard that report in the evening?—At once; but the difficulty of the magistrates was—was this band to be turned back by force or stopped upon the way, or was it not? It might be said “you did not stop the other band in the morning, why stop us in the evening?”

5703. And the magistrates did discuss the question whether they ought to stop this other band or not?—No, that was not discussed, because the thing was so sudden; there was no time, but fortunately the question had not to be discussed, because they did not come in. Under the circumstances, I think I myself would scarcely hesitate in stopping the band, it being night.

5704. If you were driven to consider the responsibility you think you would?—I do, bearing in mind the time of the day or night it was. There is a great difference between a band playing in the early morning and at night.

5705. Mr. McLaughlin.—Suppose that the time was not night, but the day, and suppose at three o'clock in the day of the 18th of August a procession of the opposite force, corresponding as regards numbers, banners, and everything else with the Apprentice Boy force, but being necessarily an opposing force, had appeared at one of the gates for the purpose of getting in, would you have allowed them to come in—in the day time?—I do not think I should stop them in such a case as that that you put to me. Of course I should take steps to prevent a collision between two such parties.

5706. But then the effect of the interference of the authorities (I do not say what the intention would be) in such a case as I have supposed would be that they would protect both classes of processions?—Well, they would prevent them coming into collision, but everything would depend on the character of the second imaginary procession that you allude to.

5707. Mr. Commissioner MURPHY.—Mr. McLaughlin supposes them to be similar in every respect, and supposes they were legal, in that case would you have stopped it?—I think not.

5708. But you would have prevented a collision?—Yes.

5709. Mr. Commissioner RUSKIN.—You would have made such a disposition of the force as your command is, in your opinion, would be best calculated to prevent a collision of the two parties.

5710. But you would not protect, in the sense of encouraging?—With respect to that last procession alluded to, there was no information given or sworn to as that danger was apprehended, and therefore no magistrate would be justified in interfering with it.

5711. Mr. McLaughlin.—There was no information sworn to the effect that it would have a tendency to result in a breach of the peace?—None that I am aware of.

5712. If there had been an information sworn, by some credible person or persons, that such a procession would have a tendency to create a breach of the peace, what would you do as a magistrate?—That would depend very much on the character of the information and the informant.

5713. Assuming the fallness of the one and the credibility of the other?—Yes, and in that information certain trustworthy facts should be stated. I would not receive men's mere opinions, or be influenced by what they would think or by their fears. It would very much depend on the character of the information and the facts stated; and it should be a very strong infor-

mation indeed, very satisfactory to my mind, before I would take any action upon it.

5714. Suppose that the informations uttered and stated from the establishment of any opinion, and were made by six or seven men of the first rank in the city of various classes and creeds; suppose that those people came forward and swore these facts,—first, that there was to be a procession on the next day, to wit, the 18th of December; secondly, that they had good reason to believe, and pointing out the grounds of their belief, that the persons in that procession would be Apprentice Boys; that they would be armed both with small arms and artillery, although the small arms might not be apparent, thirdly, that there existed then, and had existed previously, the strongest and most resolute determination on the part of the Catholics to oppose them by force if the law did not interfere; fourthly, that these Catholics, as had been testified at this Commission, despoiling of any protection from the law, or any equal administration of the law, as they believed, had armed themselves to the extent of many hundred stand of arms, both rifles and revolvers; and fifthly, that on the occasion of the prior celebration, to wit, the celebration of the 12th of August, certain people (giving the numbers and circumstances) were about to oppose them then, by using those arms in question at that time, and had been restrained by the strenuous representations of lay and clerical friends.

5715. Mr. Commissioner MURPHY.—If you were here and in authority, and were convinced by evidence of reliable persons that there was imminent peril of bloodshed by allowing the procession of the 18th of December, would you take measures beforehand to stop it?—Most undoubtedly. You said “stop it.” I merely answer that in such a case as that, in answer to the question you put to me of their being imminent danger to the public peace of the character you have described, my duty would be at once to communicate with the executive body, and to advise the Government in such a case, I being satisfied of the truth of the report I was making, that a procession of such a nature was about to take place, and to send down a sufficient force to prevent it; but, of course, I would not take upon myself the responsibility of suppressing it unless some sudden emergency arose, nor would I do it unless I had a very large force to carry out my orders. In such a case as Mr. Commissioner Murphy puts, I would communicate with the Government, expressing my opinion for their orders.

5716. Mr. McLaughlin.—I complete my question;—and supposing that, in addition to that, the informants should swear that those persons, with such feelings as I have described, and having arms, would appear on the next day, the 18th of December, and oppose the Apprentice Boys, would you not then in the way you have pointed out in answer to the last question?—Yes, I should consider that my duty; but they should not be hypothetical informations.

5717. Mr. Commissioner MURPHY.—If conversation was brought to your mind of the danger?—Yes; from reliable sources.

5718. Mr. McLaughlin.—You were present when the Mayor gave his evidence to-day as to what would be the proper course to adopt on the next 18th of December?—Well, I doubt if I attended to it.

Mr. Commissioner MURPHY.—The Mayor said that he thought it would not be right to put down the procession as long as it was legal, and he would prevent a breach of the peace.

5719. Mr. McLaughlin.—And he added that he would, by placing a proper force of military or police on the gates, prevent the Catholics coming in, while the Apprentice Boys had their procession; you heard that evidence?—Yes, I heard that.

5720. Having regard to the feeling that exists, and the feeling that has been expressed to, do you consider that a wise course to take?—That is rather a speculative question. That would depend very much upon circumstances, but I may say this, that if it was

within my knowledge that any party or faction would ascribe to themselves the exercise of the functions of Government, it is a thing that I would not tolerate for one minute. When the Government would not themselves interfere, I would not allow others to do so.

5731. Mr. Commissioner EXHAM.—And particularly if you were informed that that was an armed organised force, coming with the intention of preventing a procession that you as a magistrate looked upon to be legal?—Yes.

5732. Mr. McLaughlin.—You heard the Mayor say that on prior occasions he has taken, with the best intentions and the greatest success, the prevention of keeping one party out while the other was inside. You heard him say so?—Yes.

5733. And you made use of an expression, a little while ago, as to the reason why these people, who were anxious to come in on the night of the 12th of August, thought they had a right to do so—that they thought it was too bad that if the Apprentice Boys had got the day they should not get the night?—That was the report given to me, that they had said so, that was their sentiment.

5734. Suppose this question of day or night were taken away, and that they said, "These Apprentice Boys have had the 12th of August and 18th of December, and it is too bad that we should not have the 17th of March to march through the town in procession?—Yes," they would reason in that way.

Mr. Commissioner MURRAY.—And Mr. O'Donnell says that he would not prevent them.

5735. Mr. McLaughlin.—Now you would not consider that reasoning the reasoning of an absolute fanatic?—Of a fanatic? No, I would not.

5736. So far as you know, does not there exist, rightly or wrongly, among the Roman Catholic population a belief that, as regards these processions and displays, they get no fair play at all?—Fair play?

5737. That their exhibitions are repressed, and that the exhibitions of the other party, though offensive to the Catholics, are encouraged and allowed?—I believe the impression of the Catholic portion of the population is that those displays are to them offensive, and intended to be offensive. Whether they are intended so or not, I express no opinion upon that, but I know that that impression exists. They are celebrations of an event which they believe has degraded them—an historical event, with respect to which I think all persons, whether Catholic or Protestant, ought to have a common feeling. I know myself, as a student of history, I should take the view, that people should all look back upon that event with the same degree of pride, and it should give offence to no party. I am afraid, however, that the people are not well enough educated for that. It is a commemoration of an event of national history, because it was a gallant defence. Still I think that the celebration of it in this day is out of date, and ought not to be continued, and I think it would be just as reasonable for the people of Limerick, with which gentlemen, you are well acquainted, to commemorate the raising of the siege of that city, and the equally gallant deeds of Sarsfield. Now, the people of Limerick, who are for the most part Catholics, do not think of this, and if it was attempted the well-meaning portion of the Catholic population, the classes whose opinions were worth having, would appear to feel that it should give offence to the Protestant people in Limerick.

5738. Mr. Commissioner MURRAY.—And the Protestant population of Limerick county and city are proud of Sarsfield?—Yes; and I believe that if such a celebration should take place the Protestants would join the Roman Catholics in it with equal pride. I only say then that such a feeling should exist, and that as it does not exist the celebration should be given up, as a matter of good sense and good citizenship, and I think in a Christian point of view too.

5739. But the ordinary people, who do not look at it by the light of the historic information you put into

the matter, would only know the general fact that it was the triumph of a party over their ancestors?—They only know it was a triumph of one party and the defeat of the other, and they only regard it still in that light.

5740. I suppose you would say that that feeling was increased by the unfortunate affair resulting in the death of these three men?—I should think so; that has caused very great excitement.

5741. Mr. Crawford.—But, referring to the act of the mayor, in keeping one party outside the walls while the other was inside the city, supposing you were in charge, and met a hostile body coming to attack a body inside, would you not do the very same thing that the Mayor did?—It is very hard to say all the circumstances would arise.

5742. I ask you, now, if these celebrations were coming on, and the information was put before you that the Bogside party was coming in to attack the Apprentice Boys, would you not think it advisable to keep them out?—I have already said that I would do all in my power to prevent a collision.

5743. Mr. Commissioner MURRAY.—You already have his answer, that he did it on the 12th of August, on the occasion when the programme was laid before the meeting of magistrates.

5744. Mr. Commissioner EXHAM.—And you have further in evidence that, when the duty of providing for the public peace becomes necessary, that was one of the very first acts he took?—And I incurred some odium for doing so.

5745. Mr. Commissioner EXHAM.—Unfortunately, men, when they do their duty, don't always receive the praise of everybody.—If such a party as Mr. Crawford speaks of was coming, what I should do would be, prevent a collision, and perhaps disperse the party, but that would depend altogether on whether they were a riotous and armed party. If they were, of course I would take steps to disperse them.

5746. Mr. Crawford.—In reference to the information before the magistrates, do you recollect that when Mr. Rea, who appeared then with me for the next of kin, asked Mr. Stafford some questions about the firing, you sanctioned the refusal to answer the question?—Before I answer that question I would say, in reference to the cause of all this disturbance, that the best plan of all would be to get like physicians, and get to the root of the thing at once, and prevent processions altogether.

5747. But you said that when Mr. Rea, on that occasion, put the question to Mr. Stafford as to the firing, you sanctioned his declining to answer it. Was not that the cause of bringing the investigation to such an abrupt end?—I think not. Mr. Stafford declined to answer a question which would affect his men upon their trial, and I thought he was perfectly justified in the course he adopted.

5748. Although Mr. Rea attempted to satisfy the magistrates by authority, that the members of the constabulary force were not protected or privileged in such cases beyond any other member of the community?—Well, I can't go into Mr. Rea's arguments now.

5749. Did he not quote authorities to show you he was entitled to get an answer to the question?—Mr. Rea quoted some authorities which did not bear on the question at issue, and we did not wish them.

5750. Mr. Commissioner MURRAY.—Whether the privilege existed or not might be a difficult point to decide; and the law officers of the Crown gave it as their opinion that the privilege did exist.

5751. Mr. Crawford (to witness).—At all events the fact is, that the majority of the magistrates concurred in the opinion that the question ought to be answered?—They did.

5752. They did?—Yes.

5753. Mr. Rea called on the magistrates, I believe, to commit Mr. Stafford if he did not answer the question?—He did, and the mayor declined.

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O'Donnell
sq. 1. 2. 3.

SEVERE BAY.

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John Charles
O'Donnell,
Esq., &c.

5744. And it was immediately after that the inquiry was brought to an end?—I believe so.

5745. Mr. Commissioner MURPHY.—Yes, there were other witnesses to be examined when the inquiry terminated?—The investigation was stopped at that time, contrary to the expressed wishes not only of the man, but of the advocates on both sides.

5746. Mr. Commissioner EHRAM.—I suppose they were like yourself—nearly exhausted?—They did not wish the investigation to stop there though.

5747. Mr. Crawford.—From any conversation you had with the magistrates about this bill, did they express the opinion that they did not believe the information?—I should consider my conversation with the magistrates privileged, and therefore decline to answer you.

5748. I talk of the proceedings in the room and not on the bench?—However, I claim no such privilege, for I had no such conversation. Anything that occurred between me and the magistrates was on the bench, in open court.

5749. Supposing that you had been present at the owner's request, when it was proved that three men fell from the firing of the constabulary, what would you have done in such a case?—I would of course have adopted the only alternative left, and sent the charge on for further investigation.

5750. Do you think the bill—after what occurred—allowing them to stand out on their own recognizances in 240 each, was such a bill as would be applied to civilians?—I should think not.

5751. Did you object to that bill?—No.

5752. Why?—Because I was quite aware that the police would appear; the difference being that the police are a public body, and are responsible for their acts. Malice was not imputed to them.

5753. You say you had information of the people being armed?—No, I did not. I said that I was informed of large quantities of arms being purchased in the town within these twelve months—during last winter, long before I came here.

5754. Will you tell me, if you can, who were the parties that informed you of the purchasing of these arms?—I will not tell you.

5755. At all events you got an official information of the parties arming themselves?—No. The information was of a general nature, that the arms were being distributed in the town, and I heard the questions put by the Commissioners to the mayor as regards these arms—about the nature of them. Now, I speak from experience, and I say that is a matter very difficult to deal with.

5756. Mr. McLaughlin.—The mayor expressed a strong opinion, that it was the duty of anything degrading the name of Government to bring down a sufficient force and take the arms from them?—Practically that would be impossible. I have some experience of that, and I may tell the Commissioners, who have themselves seen such a thing attempted five years ago in Belfast, that the endeavour signally failed.

Mr. Fitzgibbon Lewis, C.E., continued by Mr. Commissioner EHRAM.

5757. How long have you lived in Derry?—For twelve years.

5758. May I ask you, living in Derry for that length of time, have you heard these rumors of discontent with the magistrates?—I have never heard it till I heard it in court here.

5759. Are you in the habit of meeting the laboring class of the population here?—Yes.

5760. Mr. Commissioner MURPHY.—The working classes?—Yes, very much in my own profession.

5761. Mr. Commissioner EHRAM.—What business are you?—I am an architect and civil engineer.

5762. And you are constantly with your workmen, carpenters and others?—Yes.

5763. And they are belonging to both religious persuasions?—Yes.

Mr. Commissioner EHRAM.—Yes, the streets were stopped at both ends, but the search proved ineffectual.

Witness.—A diligent search was then made, by a large and competent force, but not a single pistol was found.

5757. Mr. Crawford.—You had information before you went out to Muff Glen, that there was likely to be a collision?—Yes.

5758. You had military under your command?—I had, and had all arrangements made to prevent a breach of the peace.

5759. When you saw 800 men assembled to make an attack on another procession, did you think it your duty to disperse them?—I did not then say anything of the kind. I told the Commissioners the men were there to form a defense, to contest a certain passage with the other parties who did not appear.

5760. The party that you describe as the 800 men were Roman Catholics?—I was informed they were.

5761. And the other party who did not come forward were the Protestant party?—I was informed so, and further, that the parties in that neighbourhood came from a distance—from Dungal and Tyrone.

5762. You do not know whether they had artillery there?—I do not know, but it was spoken of by the people in the Glen that artillery was to be brought there against them.

Mr. Commissioner MURPHY.—We have heard a great deal in reference to the number of men it would be necessary to bring here in the event of the local force being changed. Perhaps you could give us some idea as to the number, in your opinion, that would be requisite.

Mr. Commissioner EHRAM.—From your experience in Belfast you will be able to tell us.

Witness.—The state of things that exist here now is almost analogous to what existed in Belfast five years ago. Certain alterations have since then taken place, and I think Belfast has benefited, as evidenced by the reformed condition of the peace and the people. At that time—the period of the riots—it was a local police force was in charge of the city, but since the constabulary were brought there—I believe they number as three to every thousand of the population.

5763. Mr. Commissioner EHRAM.—Three to a thousand?—Yes.

5764. In Belfast?—Yes; and in this town, with a population of 20,000, I do not think that less than ninety men would do.

5765. Mr. Commissioner MURPHY.—The population here is about 30,000?—I do not think that less than that would watch the town. There is a part of the town called the Bogside, and, like the Pound in Belfast, the police used to be afraid to go to it, but now they can go to the Pound with perfect safety.

5766. Mr. Crawford.—I did not catch the number of men you said would be requisite?—Assuming you had a population of 30,000, I should say that less than ninety men would not do.

Mr. Fitzgibbon Lewis,
C.E.

5767. How long have you lived in Derry?—For twelve years.

5768. May I ask you, living in Derry for that length of time, have you heard these rumors of discontent with the magistrates?—I have never heard it till I heard it in court here.

5769. Are you in the habit of meeting the laboring class of the population here?—Yes.

5770. Mr. Commissioner MURPHY.—The working classes?—Yes, very much in my own profession.

5771. Mr. Commissioner EHRAM.—What business are you?—I am an architect and civil engineer.

5772. And you are constantly with your workmen, carpenters and others?—Yes.

5773. And they are belonging to both religious persuasions?—Yes.

5774. And you never heard of this feeling of dissatisfaction with the magistrates before?—No.

5775. Now, are you of opinion that these proceedings on the 12th of August and the 18th December are viewed with hostility—looked upon as being distasteful—by a large number of the people?—I believe that, since the last election took place, these proceedings have been more or less—since the late election.

5776. You say they have been looked upon in a hostile spirit?—Yes, since the late election.

5777. But going back before the election?—I never saw any ill-feeling before that.

5778. Then you think that since the election there has been a decided hostility evinced at all events?—I do.

5779. A decided feeling of hostility to them on the part of a large number of Roman Catholics here?—That is my opinion.

5780. Now, I ask you would it tend, in your opinion, or would it be likely to lead, to the future peace of the city, if those demonstrations were put an end to?—Well, it strikes me that I have very strong opinions on this particular subject. I believe that the Party Processions Act is a disgrace to the statute-book, and I believe that as long as men are acting legally, in this country, they should be allowed on both sides every opportunity of display, or marching in display, if they so please, and I think, on those occasions, if the displays are legal, that the majesty of the law should be upheld, and that at any risk, and at any cost, the processions on both sides should be protected, as long as they act legally and constitutionally.

5781. Mr. Commissioner MURPHY.—But don't you think they would then mutually offend one another?—No, I think if both parties were allowed freely to exercise their liberty there would not be that ill-feeling. I think it would tend to do away with all ill-feeling.

5782. Mr. Commissioner EXHAM.—Would you not think that unfortunately, in this country, where religious and party feeling runs so high, it would be better, for the present at all events, that neither party had a triumph, by putting down those celebrations altogether?—Well, if neither party had a triumph, I would think it all the better to do away with them for the present.

5783. But, in your opinion, it would not tend to the peace of Derry, if there was special legislation for Derry?—That is my opinion.

5784. Is it because it would be considered to affect the Protestant party only?—Yes; and I am afraid the processions would be upheld at almost any risk.

5785. Would you think, if there was a general putting down of processions and bands of all kinds, that that would have the effect?—I think they would die a natural death on both sides then.

5786. You think the Apprentice Boys would not then persist in their attempt to have them?—I think the whole life of these processions is the opposition that is given to them.

5787. And that if they were put down on all sides, so that no victory was allowed to be celebrated on either side, the Apprentice Boys would leave them as, and thus put an end to them?—I think so.

5788. Mr. Commissioner MURPHY.—Do you think that the opposition to these processions of late years has increased them?—I do. It is well known that the opposition to these celebrations, within the past few years, has made the Apprentice Boys' party all the more determined to have them.

5789. And to prevent any evil result from the processions, you would abolish them?—I would not abolish them alone; I would put down processions of all kinds in Ireland, and then there would be no ground for bad feeling.

5790. Mr. Crawford.—Now, from what you know of the Protestants of the North of Ireland—first, have you any experience of them?—I have very considerable experience.

5791. And from what you know of them now, what do you think would be the consequence of the celebrations—the city celebrations and anniversaries—being put down with the strong hand of Government?—

5792. Mr. Commissioner EXHAM.—Well, I do not think now, Mr. Crawford, that it is within our inquiry to inquire what he thinks would be the result, because that is a thing outside Derry.

5793. Mr. Crawford.—Well then I will confine myself to within Derry. What do you think would be the result of the Derry procession being put down?—I think it would almost lead to a revolution here.

5794. Mr. Commissioner EXHAM.—As I understand the witness, what he says is this, that if Derry was made exceptional as regards legislation, that then on

pleasant consequences might be anticipated, but that he thinks if the legislation was general for Ireland that then the Apprentice Boys would not so much mind their processions being abolished?—Yes.

5795. Mr. Crawford.—[To witness.] The Protestants of this neighbourhood, I believe, look upon these celebrations as a mark of religious freedom?—As a mark of religious liberty—certainly.

5796. And is it on that ground, and not for the purpose of taunting their Roman Catholic brethren they are kept up?—On the former ground, and with no other intention. I would not have taken part in them if it were for the purpose of taunting my Roman Catholic fellow-townsmen.

5797. Then, in point of fact, when they did take offence, there was none intended towards them?—Decidedly not.

5798. And it is entirely imaginary on their part that offence was intended to them, so far as you know?—Yes, my name has been mentioned two or three times with regard to windows being broken. I may mention that the first occasion was on the night of the assault on the Corporation Hall. I did not know what had taken place, and when I came late down on the next morning, the first thing I saw was my house all smashed.

5799. Mr. Crawford.—Suppose there was an attempt made to put down these celebrations by mob law, what would be the result here, and over Ulster if you like?—I think there would be a very serious result.

5800. Has there been any avowance made to you as to the result of any such attempt?—There has.

5801. Mr. Commissioner MURPHY.—I suppose bloodshed would ensue?—Bloodshed would ensue.

5802. Mr. Commissioner EXHAM.—As I understand the Apprentice Boys look to the law to protect them, as long as they are acting within the law, and that if they are not to be protected by the law, and are exposed to mob violence, they will then take the law into their own hands?—Yes.

5803. Mr. Crawford.—[To witness.]—Since you came to Derry, and until the election, do you recollect any feeling of opposition to these celebrations, or was it since the election that this feeling has grown up?—It is decidedly since the election.

5804. Mr. Commissioner EXHAM.—Before the election to your knowledge of this body called the Apprentice Boys, were they armed extensively?—Certainly not.

5805. And have they been since?—The Apprentice Boys' party.

5806. Yes, so far as your knowledge of them enables you to state?—I am not aware of it.

5807. Was there any subscription raised for the purpose of arming them?—I am not aware of a single instance of a subscription being raised to purchase arms, or of arms being distributed to them as a body at all.

5808. Mr. Crawford.—Were you at the Town Hall after the first meeting of Sergeant Dowse's friends there?—After?

5809. Yes, after the meeting was over?—I was.

5810. Tell the Commissioners what state the hall was left in?—They pulled down the whole of the balustrade.

Mr. Commissioner EXHAM.—We heard that long ago, Mr. Crawford.

5811. Mr. Crawford.—[To witness.]—You recollect the day the procession was here?—I do.

5812. Do you recollect the procession that had the white flag?—I do.

5813. And the harp without the crown?—I do.

5814. Do you think the carrying of that flag was calculated to cause a riot here, and I had a great deal of difficulty in preventing parties from resorting to force to remove it?

5815. Was that flag flaunted before the people with out any effort on their part to take it?—It was; and flaunted into the windows of the Prince.

Sworn Day.

August 27.

Mr. Fitzgibbon, Clerk.

MAJOR DICK,
August 27.
—
Mr. Fitz-
gibbon Lough,
&c.

5813. Mr. COMMISSIONER KEENE.—Do you mean to say you saw yourself that flag floated into the carriage before the Prince?—No, but I heard it on pretty good authority. I was in the Corporation Hall at that time.

5817. Mr. Crawford.—Now that band that carried that flag, we are told, afterwards played "God Save the Queen"?—I did not see them. I was in the Corporation Hall.

5818. But if they did, do you think they did it from a sincere desire?

5819. Mr. COMMISSIONER KEENE.—Oh, we can't go into that you know?—I heard one authority say they murdered it—that they played it as if it was a tune they had not professed much.

5820. Mr. Fitzgibbon.—Do you know anything about music?—I do.

5821. You say they murdered it—played it as if it was a tune they were not accustomed to perform?—Yes, just as I heard the Apprentice Boys murder some tunes they were not used to.

5822. They did not murder "No Surrender"?—No, they seem to know that well.

5823. You say they murdered the tune. Now, on your reputation as a musician, don't you know that "God Save the Queen" is a tune that nearly every man can play that can play at all, because it is always the first tune a man learns?—I believe there is no tune so difficult, on the whole, to play on a band as "God Save the Queen."

5824. And I suppose that is the reason a man plays it first. You were not in Court when I placed this flag before the Commissioners?—No, I was not.

5825. And did you see it on what the police call the day in question?—I saw it two or three times.

5826. And you saw the fringe?—Yes.

5827. The blue fringe?—Yes.

5828. That is not surely counted a rebel emblem?—No, I think not.

5829. Did you see the letters were of a golden tinge, very much resembling a colour you know a good deal about here—orange?—Yes, I know a good deal about it.

5830. You said that information was sent to you?—Yes.

5831. Was that officially communicated?—No.

5832. You hold no office among them?—I am a deputy grand master of the Orangemen of Ireland.

5833. You must be a desperate fellow?—And I am not ashamed of my position.

5834. It was not in that equity it was communicated to you?—No, it was not.

5835. You say that the absence of the crown from the harp created a strong feeling of public indignation?—I do.

5836. And that some people were restrained with difficulty from adopting violent measures, because the crown was not there?—Yes.

5837. Their respect was for the crown of course?—Certainly.

5838. The reason I take the liberty of asking you—You know you said you were proud of it—is that I wish to know did you ever hear of an Orange gentleman in holy orders, called the Rev. John Plummer, who told the Protestants that the only homage due to the crown was to kick the crown into the Boyar?—I never heard it.

5839. Would you be surprised to hear that that fiery Northern's language had been strongly commented on?—I know him very well, and I do not believe it.

5840. You would not agree in that?—No, certainly not.

5841. You say that all local disturbances are the result of the election?—I said nothing of the sort. I said it occurred since the election.

5842. That the opposition to the Apprentice Boys was begun about the election?—Yes.

5843. I think you also said that opposition was the life of the processions?—Yes.

5844. By the way, might I ask you in what capacity

city did you go into the Hall after the attack?—Which Hall?

5845. The Corporation Hall, the night after the attack, to inspect its architectural condition?—It was two or three days after that.

5846. Did you go there in your official capacity as an architect?—Certainly not. I do not know what brought me there.

5847. Did they show you part of the roof where men were trying to put out the gas?—No. I may tell you that I was no party to the transaction of that night, either directly or indirectly, nor did I approve of it in any way, when I heard it in Portmah.

5848. Now, I am not in the habit of taking a witness as a disadvantage, and I would ask you to consider what you said—that the opposition to these celebrations was begun about the time of the election?—I believe it, and I think the feeling to have the processions in defiance of all this opposition is getting stronger and stronger every day, and particularly since the Commission began.

5849. Do you take a very prominent part in the affairs of the Apprentice Boys?—Not very prominent. I hold no office among the Apprentice Boys whatever, and not merely and simply as a member.

5850. Would I be justified in assuming that when the Apprentice Boys and Orangemen meet sometimes on the 13th of August, they begin to fight there and then—are there not frequent fights among them?—Yes, there are.

5851. You know a gentleman, I suppose, whose name it is no harm to mention—Mr. Johnston, of Ballykilbeg?—I know him.

5852. And I believe you took part in the presentation of an address to him?—I did, simply as he was President and member of the Orange lodge.

5853. You have the advantage of being pretty popular by being an Apprentice Boy and an Orangeman?—I am, but I do not look on it that because I belong to the Apprentice Boy Association. I am a party man. I do not look on the Apprentice Boys as being party men at all.

5854. Certainly not; but the reason I ask you about that is, not that I am curious about Mr. Johnston at all, but I think you said that all the Apprentice Boys wanted was to respect the law and be protected by it?—Yes.

5855. Now, having regard to Mr. Johnston, the great act of whose public life was to drive a coach and four to an Act of Parliament, and do all in his power to encourage others to do the same—do you persist in that statement?

5856. Mr. COMMISSIONER KEENE.—Surely what Mr. Johnston may do is no part of your inquiry.

5857. Mr. Fitzgibbon (to witness).—Having regard to that fact, do you still say that the Apprentice Boys want to respect the law?—I do not approve of Mr. Johnston's conduct at all. On the contrary, I have done everything in my power always to try and prevent any display of Orange banners.

5858. Mr. COMMISSIONER MURPHY.—Do you still adhere to the opinion that the Apprentice Boys are anxious to respect the law of the land?—Decidedly, and no other.

5859. Mr. Fitzgibbon.—Then in the address they presented to him didn't they specially eulogise him for the act he did in destroying the Party Processions Act?—Not for destroying it, but for his exertions in trying to have it lifted off the statute.

5860. Now, I want to ask you a further question. You have been in Derry between twelve and fourteen years?—Yes.

5861. Do you remember an occasion on which a number of persons, some of whom were examined to-day, appeared in Court to testify how offensive these displays were to the Roman Catholics?—Do you remember being in Court at the time of the prosecutions in '78 or '79?—What was that about?

5862. I will tell you where you were at the time. You were leaning over the bench behind me, with Mr.

Cumhill, the emigration agent, on the other side?—What time was that?—I want to bring it to my recollection.

5863. It was about '61, when Mr. Major was down here prosecuting the Apprentice Boys. Don't you remember the running commentary you were giving on the evidence as it was going on?—I do not. I would say so at once if I did.

Mr. Crawford.—This is a matter ten years old.

Mr. Commissioner EMMAN.—It was some case in which Mr. Major came down here.

5864. Mr. Commissioner MURPHY.—Have you any recollection of a prosecution in court by the Roman Catholics against the Apprentice Boys?—I have not.

5865. Mr. McLaughlin.—But no doubt the thing might occur, without you recollecting it.—If I heard it I might think of it. Mr. Ferguson might be able to tell me what was it for (Mr. Ferguson in an under tone of voice spoke to the witness). I was not in the Apprentice Boys' party at the time.

5866. No, but you were in court. If it had been the case that the Catholics of position in the city had appeared and sworn solemnly on their oaths, and still persisted in swearing that they are offensive and insulting, would you still be loath to believe there was no opposition to these processions?—Certainly, if that occurred there must have been some slight opposition to them.

5867. If, incidentally, to that occurrence, a declaration ten years older still had been produced, saying they were offensive and insulting, would you alter your opinion?—Of course I would.

5868. Mr. Commissioner MURPHY.—You heard the evidence of Dr. White?—I was not in court when he was examined, but I saw it in the papers.

5869. And if Mr. O'Neill, Mr. Dillon, and the other gentlemen examined—would you have any doubt after that evidence that a strong feeling of opposition existed among the Roman Catholics for a long time to these displays, whether that feeling was right or wrong, or properly produced or not?—I am sure those gentlemen would not come in here and state they were, unless they believed it.

5870. And don't you think they ought to have been well able to ascertain the existence of such a feeling among their co-religionists?—I do.

5871. Mr. Commissioner EMMAN.—I understand that, although you were not aware of it before this inquiry was opened, yet, having heard the evidence, you now believe that feeling does exist?—Yes. I have no doubt on my mind now that there is a strong feeling against them—whether that feeling should be pondered to though is another question entirely.

5872. Mr. McLaughlin.—That is what I was going to ask you. You say you have a strong feeling about this yourself?—I have.

5873. You said a very strong feeling, that there should be no exceptional law for Derry or any other part of the kingdom?—Not any part of the kingdom—any part of Ireland. I do not care what they do for other parts of the kingdom so as they legislate for Ireland properly.

5874. Is it your opinion that, if a law applying to the whole of Ireland were passed, and if the ordinary processions of the Apprentice Boys came within the scope of that law, it would be submitted to in Derry?—If a law were passed that had application in the whole of Ireland, from Cape Clear or Galway to the Glenties Causeway, it would then be submitted to here. I think the Apprentice Boys of Derry are always ready to submit to the law.

5875. As a man I ask you to consider the question, and give it a straightforward answer.

Mr. Crawford.—I object to the question. I think the Commission is to inquire into the fact whether it is right to have celebrations of a particular kind or not, and not to be investigating probabilities.

5876. Mr. Commissioner MURPHY.—Let us see whether the gentleman declines to answer the question or not.

5877. Mr. Commissioner EMMAN.—I understood that he gave me the answer awhile ago.

5878. Mr. Commissioner MURPHY.—What Mr. McLaughlin says is, supposing that there was a law passed, extending to all Ireland, from north to south, and that that law did, beyond all question, embrace the processions of the 12th of August in Derry, do you think that the Apprentice Boys would submit to that law?—I am perfectly sure they would submit to it.

5879. Mr. Commissioner EMMAN.—He told me that if there was a general law passed, giving a victory to no party, but placing each on a perfect equality, that then it would be submitted to.

Witness.—Exactly; but as long as other processions are kept up in the South these will be kept up in the North, whether legal or illegal. We look on the Derry celebrations as legal, and we look on the Orange demonstrations as illegal; but whether they are or not they will be continued if the law does not put down processions in the South.

5880. Mr. McLaughlin.—Your theory is that the infraction of the law by law-breakers in Limerick, Cork, and other places, justifies you in also breaking it?—Not answered.

5881. Mr. Commissioner MURPHY.—You think that the infraction of the law, or the violation of the law, in the South, by certain processions having a declared object, that at previous processions in the North, and will continue to provoke them?—No doubt of it, and I can tell you more, there are more than two-thirds of the Grand Lodge in Ireland that are opposed to these processions.

5882. Mr. McLaughlin.—Mr. Crawford objects to my question now, when it was expressly understood that Mr. Commissioner EMMAN had extended, on the first day, the inquiry as to cause and effect to the whole of Ireland.

5883. Mr. Commissioner EMMAN.—I am not going to inquire into what happened in other parts of Ireland at all, except in so far as regards the putting down of all processions for the future. What I want to get from the witness is, whether the Apprentice Boys or others are of opinion that there should be equal law for every part of Ireland, and that that should not be allowed in the South which was denied in the North.

Witness.—Certainly.

5884. Mr. McLaughlin.—(To witness).—That being so, you think that as long as the processions in Limerick and Cork continue, they justify a breach of the law in the North?—I did not say anything of the sort. If you put down the displays of one party why not do the same with the other.

5885. Well, what did you say?—That as long as they were kept up in the South they would be also continued in the North.

5886. But, supposing now that on the 1st of April there was a violation of the law in Limerick and on the 2nd in Cork, would you think that absolved the Apprentice Boys from all blame in violating it on the 12th August?—I do not know whether it would or not.

5887. Would you advise them not to do it?—I would not.

5888. That is you would be guided by the abstract theory of fair play?—I would.

5889. And do you think it very wonderful that the Catholics, seeing you indulging in processions here, consider it as fair?—They should be allowed the same privilege. I do not wonder at it at all. I think they should be allowed the same privilege as myself, and I tell you what is more, they are great cowards not to come out on the 12th of March, and make the law protect them.

5890. And the night they did come out did not your party men in Society-street for the purpose of firing on them?

Mr. Commissioner EMMAN.—There is not the slightest particle of evidence that any such thing was done. The evidence is, that information had been received that the Apprentice Boys were to be attacked

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and that they applied to the magistrates for assistance against that attack, and the magistrates, having been informed that the attack was threatened, took precautions to prevent it.

5891 Mr. McLaughlin (to witness).—And I believe that, although the magistrates adopted precautions, there were some pistol shots fired at them in Society street, the minute they were seen—I believe no such thing was done.

5892 You believe that the liberty of the subject should be protected?—Yes. I think that every man, no matter what his religion may be, should be equally protected. I always thought that.

5893 And don't you think so still—I do, certainly.

5894 Were you in Court when Mr. Commissioner Murphy, at the close of Mr. Ferguson's examination, put some questions to him that created a sensation in Court, as to sanguinary intentions—I was not in Court.

5895 You are a man of family?—I am.

5896 With a wife and children?—Yes.

5897 And you believe that any opposition of an official character would almost lead to a revolution here, and you have been advising that that is not an empty threat. Now, having regard to the frightful result that would follow from a collision between the parties, do you think, as a man and a Christian, that to encounter that risk with almost certainty of loss of human life, would be fully compensated for by having the procession?—It is a curious way of putting it, but my opinion is, as regards the coming celebration on the 18th of December next, that the Government having all the evidence here now before them, it is their bounden duty to prevent any such thing occurring.

5898 You mean to protect the Apprentice Boys?—Certainly.

5899 Then you think there will be a procession in December?—I am very certain there will, quite regardless of what the feelings of the Catholics are.

5900 Regardless of what the feelings of the Catholics are?—Yes.

5901 And of the extent to which they are armed?—Yes.

5902 Mr. Commissioner MURPHY.—Beyond the fact that these celebrations are in commemoration of the deeds of a party with which a large number of the people belonging to this city are identified, there is no question of principle connected with these displays?—Oh, there is a question of principle, and a very great one too.

5903 But you don't think it a necessary part of your existence—I mean that you would not consider it the wisest if you had a particular mode of belief as to the necessity of going to celebrate Divine worship on particular days, that you would then say you would lose your life rather than give up that privilege?—That is the feeling amongst the Apprentice Boys, they would all lose their lives before they would give up the celebration of their anniversary.

5904 You do not share that feeling yourself—I do. I did not for a time, though.

5905 And do you say you would, for the continuance of these displays, see human life forfeited?—I would not like to see any life forfeited, but I think it is the duty of Government to see that no lives are forfeited, and to see the majesty of the law upheld at any cost, and that if it was necessary to bring 30,000 men here to protect one man's life in the town, he has a perfect right to demand that protection.

5906 The majesty of the law should be upheld irrespective of all considerations—we all know that; but am I right in assuming that you give an answer to my brother Commissioner that, in consequence of the

feeling of opposition to these displays, you thought it best they should not be continued?—I did not say any such thing.

Mr. McLaughlin.—I was greatly surprised to hear him say so, and that he did the shortland notes will be able to show.

5907 Mr. Commissioner MURPHY.—Did you hear the evidence of Mr. Hamilton given?—No, I was not in Court.

5908 If he said those displays were not looked upon as being connected with principle, and that it was best to give them up, what would you think?—What Mr. Hamilton?

5909 Mr. Hamilton the magistrate?—Oh, he was not an Apprentice Boy. The Apprentice Boys have very strong feelings on the subject, or of course they would not keep them up. They are a very respectable body of men in the town. They are all respectable tradesmen in the town, and there is a large number of honorary members—the first noblemen in the land.

5910 Mr. Commissioner EXETER.—And as I understand what you say is, that the Apprentice Boys you know are ready to respect the law of the land, whatever it is at the time?—No doubt of that, so long as the law is equally administered.

5911 And then what you say is that, as long as they chose to celebrate and have processions according to such a programme as was submitted to the stipendiary magistrate, and approved of by him, and pronounced by him to be the law of the land as it exists, so long as that continues the Apprentice Boys will have them?—They will.

5912 And then they expect the protection of the Government of the day to shield them against being attacked when they are acting legally and constitutionally?—Exactly.

5913 And you think if the law is changed it will be equally observed?—Yes.

5914 Mr. McLaughlin.—The Apprentice Boys, I believe, always reserve the right to themselves to see whether the law is equally administered?—Well, I think they are pretty good judges.

5915 Mr. Crawford.—Supposing that the Government did pass a law prohibiting all processions, don't you think that the Apprentice Boys look back to those celebrations with so much feeling that they would adopt some other mode of keeping up the anniversary?—Oh, yes, certainly.

5916 No matter though the celebration was put down, the anniversary of doing the gates would be celebrated in another way?—Oh, yes, certainly.

5917 I must ask you as to whether now, supposing the law to be as at present, would you distinguish between a loyal and a disloyal display, and would you consider the Apprentice Boys and Orange processions loyal, and the procession that carried a flag with a harp without a crown disloyal?—I would consider that Orange processions under the present law would be decidedly disloyal.

5918 As to the loyalty of such proceedings I ask you would you make any distinction between a loyal and a disloyal procession—such for instance as the McManus funeral?—Oh, that is a very different thing altogether.

Mr. Commissioner MURPHY.—Those processions that are in open violation of the law be counts disloyal.

Mr. Crawford.—Would you think that under any circumstances such a procession as the McManus funeral should have been allowed?

Mr. Commissioner EXETER.—We are not going into that, Mr. Crawford. That extends beyond what we decided upon as being within the heads of our warrant, and we will not go into it.

Mr. O'Donnell, R.M.

NINTH DAY

August 27.

Mr. O'Donnell, R.M.

I want to say a word by way of explanation, to remove any false impression that might be made by a portion of my examination—namely, that I did not intend to express any opinion as to the legality or illegality of the procession that took place here on the 13th August. I only meant, when I spoke of its being legal, that the programme submitted to me did not contain anything that I deemed to be a violation of the law, but I did not nor do not express any opinion about the procession itself.

Mr. Commissioner KEHAN.—And I think I used the words, when putting the question to Mr. Leach, “according to the programme submitted to the resident magistrates.”

Mr. O'Donnell.—To a certain extent that was adhered to, but it was transgressed during the day by the firing of the cannon from the walls, and the play-

ing of party tunes. At the same time, having regard to the main object in view, the preservation of the peace, we considered it best to pass over that at the time.

Mr. Ferguson.—Did I not tell you that I would give every assistance in my power to have the programme strictly carried out, and not departed from?—Yes, you did; and I believe, so far as lay in your power, you acted with perfect good faith as you said you would. [Addressing the Commissioners.] Mr. Ferguson appeals to me now. He told me that he would use his influence among the Apprentice Boys, to prevent the law being violated. As far as I know of Mr. Ferguson that day he kept his word, as far as his influence went; but then there are other influences. There were wine and spirits, and for the acts of individuals that way I do not think he should be responsible.

Mr. Thomas Mooney examined by Mr. Commissioner KEHAN.

Mr. Thomas Mooney.

5919. Do you live in this city?—I do.
5920. How long have you been living here?—For the last twelve years.

5921. Are you in any business?—I am.
5922. What business do you carry on?—I am assistant to a merchant tailor in town.

5923. I think I need hardly ask the question—I suppose you are in the hotel from time to time of coming into contact with the working people of both denominations here?—I am. I have from twenty to thirty men working in our own establishment.

5924. And are they of opposite persuasions?—Yes.

5925. And do they work harmoniously together until the approach of these anniversaries?—They do, unless sometimes when they join together and have a glass or two in the day, and then they might have a little dispute.

5926. Has it ever come to your knowledge that a portion of the people complain against the magistrates for partiality?—There are parties who may say they are, but I never knew it. I know though that the police complained to me, occasionally, that the magistrates did not punish severely enough the parties brought before them, and that there was not that amount of punishment inflicted on persons that would cause them to interfere, and go to the trouble of making arrests.

5927. Mr. Commissioner MURPHY.—That is, in the case of the Beguile party, that they complained of the leniency of the magistrates, I suppose?—I would not like to say that they thought they were too lenient when a big case was brought into Court, but under ordinary circumstances they did.

5928. Mr. Commissioner KEHAN.—Were those complaints confined to political cases altogether?—They thought the magistrates took too light a view of the cases of bad conduct brought before them. The fact is that the city of Derry within the borough boundary is now about seven miles in circumference, and as there are not enough of constables to discharge all the duties, some of them of course must be neglected. I myself saw disturbances at the borough boundary which could not have taken place if there was a sufficient force of police in the town.

5929. With regard to these processions—we will go back since the election last year to the night of the attack on the Corporation Hall—is it your opinion that they are looked upon in a hostile manner by a large portion of the people?—I never know of a single Roman Catholic having taken objection to them.

5930. Have you ever taken part in them yourself?—I am secretary to one of the clubs.

5931. And, as far as you are concerned, no objection was ever made to you?—None, I may say, except that one of the fastest friends I have—Mr. McLaughlin's father—would say to me sometimes, when the an-

niversaries would be approaching, “Now, Mooney, don't look at me till to-morrow,” but if I met him in the evening I would look at him.

5932. Though they would not say anything to yourself about them, don't you think now that, since last year, they are looked on as being offensive?—The first time we had anything in connection with them it was an extremely matter entirely. It was the passing of the Party Processions Act. An unfortunate thing had taken place at Derrymanah.

5933. Mr. Commissioner MURPHY.—But, so far as you know, there was no feeling that they were offensive among the Catholic people of the city?—There was among a few, but the reason of the whole of it were inflammatory articles in some newspapers.

5934. You heard the evidence of some gentlemen here?—Yes, I read it.

5935. They, of course, had a better opportunity than you have of knowing the feelings of their own co-religionists?—I don't know. What Dr. White would say is entitled to respect, for he is a gentleman very much respected.

5936. But a Roman Catholic would have better opportunities of knowing the feeling of his co-religionists than you?—I dare say he would.

5937. That remark that you say was sometimes made to you about “Don't look at me till to-morrow,” was that in jest or was it in seriousness, as much as to say that that is the feeling of Derry, that a kind look cannot be expected till these anniversaries are over?—I was not aware of any such meaning in it. So far as he and I were concerned it was a jest.

5938. Yes, but was there anything under it?—No, there was no feeling in it at all. This spirit that has appeared of late was not then commended.

5939. Mr. Commissioner KEHAN.—But on the 13th of August, was there not then a strong feeling against the processions?—I did not know of it. I read the evidence of the gentleman who said he had used his influence with parties to stop the processions, and that he paid a number of men himself to insure protection.

5940. And did you know anything of that yourself?—I did not. I read in the *Londonderry Journal*, some days previously, that an organized force would be got up to stop them, but I only looked on the statement as on all reasons of the kind.

5941. But were you not aware that a programme was drawn up and submitted to the magistrates for that procession?—I was not aware that it was submitted to the magistrates, but I was aware it was drawn up.

5942. You have been some time connected with that body?—For about twelve years.

5943. Previously to the election, were the Apprentice Boys generally armed?—I never saw any arms among them. I knew there might be one or two re-

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voleers among them, but three or four would cover them; and as to the habit of carrying them, I don't think they ever did.

5944. But as to the last year, were they most extensively armed?—I do not think they were, I am not aware of any revolvers being bought by them.

5945. Or of any distribution among the body?—I am not.

5946. And such a thing could not take place without your knowledge?—It could not take place without my knowledge, I believe.

5947. Mr. Crawford—Did you read the evidence of Dr. White before the Commission?—I did.

5948. You concur with it?—I do not.

5949. In what particulars do you dissent from it?—I don't concur in the observation with reference to the magistrates, and the decision they made in '66.

5950. Did you ever tell Dr. White the duties of a magistrate since he got the commission of the peace?—I never did; he is a magistrate, I believe, for the county.

Mr. Commissioner KEENE—He is a magistrate for the county and not for the city.

Mr. Crawford—The County Record Court is in the city and does not associate the citizens to go out to it.

Witness—What he said about the magistrates adjudging in a partial manner, and his refusing the commission of the peace, I will explain to you. After the passing of the Act a large force was sent down here under command of Mr. Colson, and, as we thought we did not come within the scope of that Act, to test the matter it was decided that we would come out as usual, but against many of the guns were left behind, and we had not got them with us. Mr. Hampton, however, had several large guns, and fired shots in presence of the resident magistrate, and said that he was not breaking the law, and that he would give the names of himself and those around him; but there was no prosecution on that occasion. On the following August the prosecution went on as usual, and a number of shots were fired. Mr. Fitzmaurice and Sub-Insp. Kelly were there, and cautioned us in the usual manner. Mr. Fitzmaurice said to me "don't you know you are breaking the law?" I said we were not, and came there to test the matter, and that if it was proved on trial that we were, we would submit. There were thirteen or fourteen prosecuted, and the case was decided on a point of law, and it was found that the Act was imperative. The Legislature, I suppose, was in too great a hurry at the end of the session.

5951. Mr. Commissioner KEENE—And the bills that were sent up were ignored?—No, the magistrates dismissed the case at the time, on a point of law that was raised.

5952. Mr. Crawford—Did you hear Dr. McKnight's evidence?—I read his evidence.

5953. The Doctor was not always of the present opinion, I believe, in reference to party processions?—No, he was not; I remember myself in '48, when he addressed 15,000 or 20,000 people, and I saw fifteen or twenty orange flags there then.

5954. It was a body of Orangemen he addressed at that time?—It was solely and entirely Orangemen. I may say I did not hear the Doctor though I was looking at him; and I do not know, except a word or two, what the Doctor said on that occasion.

5955. Are you in the habit of attending the city magistrates' court?—Yes, sometimes I have attended it.

5956. Do you know what is the usual course adopted when a party is brought up before them and convicted for saying "to hell with the Pope," what is the result?—They are fined.

5957. What is the result when another party of the same rank and position is brought up and convicted of saying "to hell with King William"?—They are fined also.

Mr. Commissioner MURPHY—They are fined also; that is the evidence before us.

Mr. Crawford—I am instructed to state that if the

magistrates are partial at all, they are partial to the Roman Catholics, as against their co-religionists.

5958. Mr. Commissioner KEENE—And what is the fine usually inflicted in these cases, because the standard at Belfast is 40s.?—It is not that here.

5959. And what then?—I never knew it to go above 10s.

5960. And do they fine both classes the same?—I never knew any difference between them.

Mr. Crawford—There are some charges of partiality against the magistrates which have been made by Mr. Hampton.

Mr. Commissioner MURPHY—We think those charges have been disposed of.

Mr. Crawford—It is a matter of opinion, I think, and we ought to have it on the notes of the case, from others beside those who bring such a charge against the magistrates of Derry.

Mr. Commissioner KEENE—Yes, but don't you think it sufficient when we tell you we have a great deal of evidence on that point, and it is only right to say it disposes of it, and therefore there is no use in lengthening this inquiry more than is necessary.

5961. Mr. Crawford (to witness)—We heard a great deal about the breaking of windows in the Corporation Hall, on the night of Sergeant Dowse's lecture. Did you ever before that hear a charge of breaking windows brought against the Conservative party in Derry?—I did not.

5962. Do you know of a single 12th of August or 18th of December that windows, after dark, were not broken by what is known as the Ragade party in Derry?—Yes, Mr. Blau's windows were broken, but I did not know of its being done to any great extent at all.

5963. But was it the usual effect after those celebrations were over, that the windows of the Protestants in Derry were broken in the night, and often all was over?—Well, I do not know. I never saw such an exhibition of bad feeling at all after the celebrations.

5964. You saw the attack on the Town Hall?—I did.

5965. Did you see the city police there?—I did; they were ranged in front of the hall door. I was close to one of them, looking for a ticket of admission. We considered that Sergeant Dowse's friends made a great mistake in this way—they called a meeting of the electors of Derry to hear the views of Sergeant Dowse on almost every subject, but, instead of allowing them in, it was arranged that no person who was not absolutely known to be going to vote for him was admitted. The feeling got abroad that that meeting was called for the purpose of giving off due publicity to Sergeant Dowse's opinions, and that, no matter what he said, they would go ahead and be put before the public in the shape of a vote of confidence in him. I went to the rooms of the Liberal Association to look for tickets, but was told they would not be given out till four, and afterwards, on looking for them, and finding they were not there, I spoke to Mr. Hampton to get in.

5966. Was it the general impression that the Hall was to be packed with noisy persons as to constitute a horse, and that whatever was done there was to go ahead as the action of the electors of Derry?—That was the impression.

Mr. Commissioner MURPHY—We have nothing to do with impressions.

Mr. Crawford—The criticism who had votes were anxious to get in to hear Sergeant Dowse's views.

Mr. Commissioner MURPHY—It is as clear as day that was a one-sided meeting, and was intended to be so.

Witness—I would like to state, before going from that part of the case, that I was standing close to the borough police, and one of them told me I was obstructing the passage. Mr. Tiffin was there, and immediately afterwards the eyes of all parties turned on the party coming down the street, and the borough

police did all that was possible for men to do to prevent the rush on the Hall. There is no question about that.

5967. Mr. Commissioner MURPHY.—Did you know anything about that attack being arranged?—I did not, but I was spoken to as to how parties would get in.

5968. Mr. Commissioner RHAM.—Had you known anything about the preparation of bludgeons or weapons of the description produced in Court?—I did not know of anything of a description like that, and I would not like to be introduced to them either.

5969. Mr. Crawford.—Ten or twelve years ago, I believe, there was no such thing as a band accompanying the Apprentice Boys at all?—There was not.

5970. Have bands been introduced within the past few years?—Yes; the first band that was formed Mr. Hampton purchased a uniform, and the Apprentice Boys thought that both band and uniform were their own, but they were coolly informed when he was leaving that they were not. Other bands were subsequently formed, which now and again played through the streets.

5971. Do you know of any interference with any of those bands up to a particular time, and what was the cause of that interference?—I never knew them to be interfered with until large crowds of bad characters following them interfered with the street traffic, but I do not blame the bands for that at all.

5972. Mr. Commissioner RHAM.—Crowds used to gather round them in the street?—Yes, and annoyed the people in the street.

5973. Mr. Commissioner MURPHY.—Are those men who are now members of the body of Apprentice Boys almost all inhabitants of Derry?—I scarcely know one that does not live either within the city or in the suburbs.

5974. The acting members?—The acting members.

5975. And they are men in respectable conditions of life?—They are mostly all tradesmen.

5976. Mr. Crawford.—What is the number of acting members?—Between 200 and 300.

5977. Mr. John Gay Ferguson.—What is the religious denomination of the Apprentice Boys?—What is the proportion connected with the Protestant religion?—About three-fourths of them are connected with the Presbyterians.

Mr. Ferguson.—It was stated that the Presbyterians were in favour of discontinuing these processions, but my impression is that they are not—that the great majority of them are in favour of them.

5978. Mr. Crawford.—The feeling of opposition to the Apprentice Boys, I presume, has intensified since the election?—Since the election.

5979. They are accused of being partisans of the Tory party, and I believe I am correct in saying they are not?—They are the most democratic body I know of. They are opposed to every government, Whig, Radical, or anything of that nature. I may mention that Mr. Hampton and others were once members of the body.

5980. Mr. Ferguson said, with regard to the political bearings of that body, that the members have always paid homage to whatever victory came here?—Yes.

5981. Mr. Commissioner MURPHY.—At the time Lord Carlisle came here did they pay homage to him?—They did, as the representative of the Queen.

5982. Mr. Crawford.—Did they fire cannon in his honour?—As the representative of the Queen they did, but for the fact of his being Lord Carlisle they did not care a fig.

5983. Mr. McLaughlin.—You condoned his liberal opinions on account of his being the representative of the Queen? There is a nobleman called Earl Spencer. If he should make an entry here when the Commission is over, would you respect him in the same way?—I do not say that, for I think it was a most unwarrantable act of the Earl Spencer under the circumstances. I think it an act of persecution. Some men would not call it so, but I do not wish to call it any-

thing harsh, for I respect the office of viceroy too much.

5984. Now, as Mr. Crawford asked you a number of things, I would like to ask you one thing. Now, tell me, on the occasion of the visit of Lord Carlisle they condoned his intemperance on account of his viceroyalty, and brought out their cannon to do him honour?—Yes.

5985. Are you aware of the fact that, at the dinner that was then given to Lord Carlisle, they scarcely listened to his speech with common respect?—I am not aware of anything of the kind, for I had not the honour of being invited, but I am aware that there was a great deal of noise when Alderman Cox spoke.

5986. Did you see any Orange insignia or banners the day Lord Carlisle was here?—I did not.

5987. You have been asked by Mr. Ferguson as to the proportion of Presbyterians as contra-distinguished from the ranks of the Protestants who were members of this body, and I think you said three-fourths or seven-eighths?—Yes.

5988. Then one out of every eight are not Presbyterians?—No, I said three-fourths. One out of every six, I suppose, are Protestants.

5989. You heard Mr. Ferguson say the great bulk of the Presbyterians were with the party you exposed?—Yes.

5990. Is that so?—Yes.

5991. To the party that you exposed politically?—I might say that we are not attached to any party. We were attached as individuals to one member of the election, and the Apprentice Boys went for him.

5992. Did you ever hear that Mr. Ferguson had said that in the election they would have all the thick-headed Presbyterians, and that all the enlightened Presbyterians would vote for Downe?—I never heard anything of the kind.

5993. In criticising the evidence given by Dr. White, you rather undervalued his opportunities for knowing the feeling of the people?—I said I did not know whether he had or not.

5994. And you think that the dislike he spoke about did not prevail?—It is my opinion it did not, but it may now.

5995. And that it originated with the election?—Yes.

5996. I believe you were one of those brought before the magistrates on one occasion?—Yes.

5997. When a number of Catholics came forward and swore that these processions were offensive?—Yes. You were one of them, and you swore that the Union Jack was a party emblem on the 12th of August.

5998. I recollect the circumstance?—But the Guardian cut at you the next day. I wish though to be understood, he said that he did not look on it as being a party emblem per se, but on that day it was.

5999. Exactly. That if it was used by a party, guard! And I would consider it a party emblem. Were you in court yesterday when one of your witnesses, when shown the flag that so much has been said about, said it was not the flag, but its colour, and the nature of the procession which exhibited it, that he complained of?—I was not.

6000. But don't you think it would be the intent of the thing that should give offence and not its colour, because you can't judge of a man's intentions unless he tells something to judge them by. You can of a man, if he likes you or not, if he came up and knelted you down. Supposing a man exhibited something that was offensive, would not you know that he resented you?—I would not.

6001. Having regard to the fact that you were one of the persons accused, when Dr. White referred to the magistrates, you would hardly be a proper judge of their conduct?—I can only judge from the facts of the case.

6002. But that would prevent you being reported?—It would not. I have not the slightest feeling against any of those that were examined.

6003. Now, Gallagher was examined, and Reilly

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and others were examined?—Yes, and Freeman was called and said he did not know that day from any other day.

6004. Did you see Mr. Lough there that day?—What day?

6005. That day of the procession?—No, I do not recollect him.

6006. Well, now, this matter of the attack on the Town Hall—did you approve of it?—Well, I did not. I did not like it at all. I thought if they wanted to do anything they should have taken more peaceable measures. However, the parties who did it were made amenable in the usual way.

6007. Didn't you know it was advertised that the admission to that Hall, on that evening, was by ticket?—By ticket.

6008. And that it would be confined to Sergeant Dwyer's supporters?—No, I did not.

6009. And no one would be admitted unless those that had got a ticket, and didn't you go and try to get a ticket?—Yes.

6010. And was there not a ticket that your friends got on that occasion?—Yes; but they were not admitted.

6011. Have you always lived on good terms with your Catholic fellow-citizens?—Well, I have never had any serious dispute with them—none of a serious nature.

6012. You are a clerk to Mr. McMeekin, the merchant tailor?—And salesman, yes.

6013. You would abstain from saying or doing anything that would be intentionally offensive to your Catholic citizens?—I never did say anything that was offensive to anyone.

6014. Are you the Thomas Mooney whose name appears in the papers as a speaker at some meeting?—Yes; on one occasion I spoke to a resolution proposing a vote of thanks to Mr. J. Hampton for having presided at a meeting in the Corporation Hall, and for his exertions in reference to the Party Enfranchise Act.

6015. You did that very well. Now, did you ever make any other speech?—I did.

6016. Listen to this:—“Mr. Thomas Mooney proposed the next resolution,” and then you speak about being highly honoured at being called upon and all that sort of thing that people talk?—That was at Coleraine.

6017. And, at a meeting in the Corporation Hall,

you referred to the incarceration of Mr. Johnston, and expressed your sympathy with him, and your admiration of his courage and resolution, and you talked about a great many things it would not be pleasant to talk about under other circumstances?—I don't know.

6018. You said “The first men of Derry should remember that when they were threatened with prosecutions Mr. Johnston was the first to come to the rescue,” and then you end with cheers?—Surely I did not give the cheers at all.

6019. Mr. McLaughlin.—“And that those leading representatives of the united Protestants of Derry sympathise with William Johnston, esq., of Ballykilbeg, and those impressed with him, for the violation of an arbitrary Act which rebels and the friends of rebels have been suffered to transgress with impunity.”—Yes, proceed; that was immediately after the procession in Dublin.

6020. And then you finish by asking them were they in favour of removing the law, or were they going to allow their rights to be trampled upon?—Yes.

6021. Mr. Crawford.—Are you aware whether the police ever called on the Apprentice Boys to assist them, and whether they did or not?—I recollect the night of the attack on the Hall. There was a Belfast man here, and he made an attempt to interfere with Mr. Stafford in assisting a prisoner; and although it was known who he was by the authorities, he was made go with Mr. Stafford, who took him and the other man away.

6022. There was a statement made before the Commissioners that the cannon was charged on the night of the election; is that the case?—They were not to my knowledge. I did not know anything of it at all. That was the only thing I was assured about, Mr. Stafford making such an assertion.

6023. Mr. Commissioner KILHAM.—Were you there that night?—I was.

6024. And did you see any appearance of such a thing?—I did not. Some drunken persons got in, and were mistaken for Apprentice Boys. When Sunday's effigy is to be burnt on the 18th of December, we have as many Catholics coming in as Protestants.

6025. Mr. McLaughlin.—I thought it was Mr. Hampton's you would burn?—He is not worth wasting a match upon.

Mr David
Irvine

Mr. David Irvine examined by Mr. Crawford.

6026. I believe you are a printer on one of the Lonsdowney papers?—Yes.

6027. You served your time in the Scotland office?—The Guardian, and I was afterwards employed on the Journal and a half year.

6028. Tell the Commissioners what your opinion is with reference to the party feeling connected with the celebrations?—I have been in connexion with them about twenty years, and I have as strong friends among the Roman Catholics as Protestants. I have mixed largely among them, and at the celebration time I always find that the Roman Catholics helped me to get up anything that would be backwards in the office, and at other times I helped them.

6029. Mr. Commissioner MURPHY.—From your experience and knowledge, are you able to say whether there was any feeling of displeasure on the part of the Roman Catholic population exhibited against these processions?—I believe not, until the last two years. I have been a member of the building society, in which two-thirds of the members were Roman Catholics, and when the celebration days came on I saw no ill feeling produced. There was no ill feeling until within the last two years.

6030. But do you believe the feeling has increased within the last two years, and is considerable now?—I believe it has—not to myself personally. I don't know it was personal to myself.

6031. Mr. Commissioner KILHAM.—But it is from the celebration of the anniversary?—From the celebration of the anniversary, but I believe it arose simply on account of the organisation.

6032. Mr. Commissioner MURPHY.—Do you mean on account of the organisation got up against it?—Oh, I do not know that.

6033. Mr. Commissioner KILHAM.—Do you not believe that, if they be continued, that bad feeling will be increased?—I think if the election did not create a bad feeling it would die out.

6034. But with respect to this arising and organisation of some four or five thousand men to stop the celebration, do you not think that that will be likely to increase the feeling and that it will go on from bad to worse if something is not done?—I do not think it would. I think it would die away of itself.

6035. Mr. Crawford.—On the days of the celebrations, do you know did the parties taking refreshment make any distinction between the houses they went to, did they make any distinction between Protestant and Roman Catholic hotel-keepers?—I do not believe they did.

6036. Although it has been proposed to there has been angry feelings, that would not prevent them going to houses of entertainment kept by Roman Catholics?—They would go to the house that is most convenient.

6037 But there is no exclusive dealing on these days?—No.

6038. There is no such thing as exclusive dealing in the city of London?—No; each party I believe goes to the house he likes to go to, but it is not in the way of exclusive dealing.

6039. Mr. Commissioner EXHAM.—From mixing amongst the Roman Catholic population as much as you do, were you aware of the arming amongst them lately?—Unquestionably not. I must state I have not mixed so much amongst them lately.

6040 Not lately?—No, not so much.

Mr. John Guy Ferguson.—I wish him to be asked about the arming of the Apprentice Boys, and the loading of the cannon.

6041 Mr. Commissioner MURPHY.—(To witness). Are you aware that there has been any systematic arming of the Apprentice Boys?—I never knew of it.

6042 Or of their procuring, as a body, any quantity of revolvers, for any purpose whatever?—I am almost positive such a thing never occurred.

6043 Mr. Crawford.—Could they, without your knowledge?—I could not say about that.

6044 Mr. Commissioner MURPHY.—Individually they might, and you not acquire the knowledge?—Well, I know a large number—not by name, and as far as I know I think they certainly did not.

6045 Mr. Commissioner EXHAM.—They are not armed?—Not armed.

6046 Mr. Commissioner MURPHY.—With respect to the loading of the cannon, on this day that has been deposited to, you never knew of that?—Indeed I did not, I never heard of such a thing.

6047 Were you there on the night that Mr. Stafford and Captain Black were in the gun-room?—I was in any bed on that evening.

6048. So far as you know, there are no arms, possessed in secret by the Apprentice Boys?—Not at all; I do not know of any.

6049. Do you know the fact that they have registered arms—those that had them?—I know there were a number of parties there, when I was getting my own license, making application for licenses.

6050 Mr. McLaughlin.—All Apprentice Boys?—I do not know of my own knowledge they were all, but I know a number of them—

6051 Mr. Commissioner MURPHY.—Do you know of them having arms in secret?—I do not.

6052 Mr. McLaughlin.—Suppose the society was composed of the letters of the alphabet from A to Z, that there was no movement by the society to get arms, but every letter from A to Z had arms, do you not think, when they would meet, they would be just as well armed as if there had been a society movement?—I am quite positive there is no such thing as a quantity of arms, revolvers or anything of the kind, amongst the Apprentice Boys.

Mr. Thomas Mooney.—I wish to correct one answer I gave—I forget a circumstance. When I was asked did I know of any arms amongst the Apprentice Boys, I said "No." I was right in one way, but wrong in another. I recollect near, in connection with the Mitchellbourne Club, Mr. Hampton started the project of arming the club with rifles, and I was treasurer, and a number got rifles, but it fell through shortly after the election.

6053 Mr. McLaughlin.—Do you know that of your own knowledge?—I do. I was treasurer to it.

6054. But I believe the Apprentice Boys, at one time, had a good number of rifles?—They had.

6055. Were they not armed in '48 by the Executive?—Yes, the Liberal Government then were kind enough to send down guns, to shoot down the Roman Catholics.

6056 Mr. Crawford.—The Apprentice Boys being aware that the Roman Catholic party are armed, to the extent that has been deposited to, what do you think will be the result?—Very likely they will arm to protect themselves, and I think heretofore they went out wholly unarmed, without a single protection for themselves.

6057 And it is more than likely they will arm now?—I think they will be very great fools if they do not.

6058 Mr. McLaughlin.—Did you ever see the Apprentice Boys, on coming in from their celebrations changing their holiday clothes for their ordinary working clothes, and taking out arms and putting them aside?—No, never.

6059 You did not?—Never. I have changed myself as often as any person.

Mr. George McCarty examined by Mr. Crawford.

6060. Are you connected in any way with the association of Apprentice Boys?—I am treasurer of the Murray Club.

6061. As far as your knowledge goes were any arms procured by them prior to the last election?—No; certainly not.

6062 Nor since then?—Nor since then.

6063. Nor, as far as your knowledge goes, are they possessed of any arms in secret?—They are not.

6064. Any of those that had arms got a license for them, as far as your knowledge goes?—They did. Our club is composed generally of householders in the town. They were entitled I believe to licenses, and got them.

6065. Have you armed yourself?—I have not.

6066 Mr. Commissioner EXHAM.—Did you happen to be in the gun-room the night that Mr. Stafford and Captain Black were there?—No, I was not. I never saw the cannon loaded.

6067. You never saw them loaded?—No, nor do I believe they ever were.

6068 Mr. Crawford.—Any of the parties of the Murray club who had arms, did they apply to Captain Coote for licenses?—Yes, of course.

Mr. G'Donnell, J.M.—Excuse me for putting in a word here as to licenses. Captain Coote issued licenses for arms some days before I came here, and I am aware, from Captain Coote, that when applications was

made to him for a license he issued it, or refused it, generally on the opinion of some magistrate or other responsible person in the town. I am quite sure he did not issue licenses for arms to the Apprentice Boys as such.

Mr. Commissioner EXHAM.—What the witness said was that his club was principally composed of householders, who were entitled to licenses.

Witness.—They were all well known to the magistrates of the town.

6069 Mr. Crawford.—Can you say whether those celebrations, prior to the last two years, were offensive to the Roman Catholics at all—from anything you learned from them?—I do not believe they were. Any Roman Catholics I know were as friendly as ever—even at the present time.

6070 I believe there is some feeling since the election?—Yes, that is got up by newspapers and parties.

6071 Mr. McLaughlin.—What age are you?—I believe I am between twenty-one and twenty-two.

6072 Do you think the Apprentice Boys are unarmed?—At present I believe they are.

6073. Entirely?—Two or three have pistols.

6074. Would you say four?—There may be four. I cannot say.

6075. But not five?—Not to my knowledge.

6076. You do not know there are five?—Nor four either.

Examined by
August 20.
Mr. David
Lrvine.

Mr. George
McCarty.

Norman Day
—
Angus W.
Mr. George
McCarthy.

6077. Do you think there are five—the number being 5001—I do not know. Maybe there are.
6078. How many licenses have been granted to the five?—Oh, I could not tell.
6079. Was it not stated in one of the newspapers, about the time of the election, that the Brown mob had got arms, or something of that kind?—I do not recollect.
6080. Do you think that would not have a tendency (as one of the witnesses said) to lead the other side to

get arms if they had none before?—I do not know. I do not recollect.

6081. Don't you know there was a good deal of parading going on in the Diamond, on this unfortunate night?—I believe none at the time the men were shot.

6082. But there was a good deal some time that night?—Well, I heard so.

6083. They did not fire out of snuff-boxes?—No, I do not think they did.

John Miller.

John Miller examined by Mr. Crawford.

6084. What business do you follow?—I keep an eating-house for seasons.

6085. Were you in Her Majesty's service?—I was, for eleven years.

6086. How long have you been a householder in the city of Derry?—I am going on, to the best of my knowledge, fourteen years in November.

6087. Has your house been on more than one occasion attacked, and by whom?—It has been attacked five times.

6088. By whom?—By the Downette mob.

6089. Is that since the election?—It is.

6090. Was there, on any occasion, a parcel of gunpowder introduced into your house for the purpose of blowing it away?—My wife found it the next morning after the occurrence.

6091. Was that produced before the magistrates and Mr. O'Donnell?—It was; I don't know whether Mr. O'Donnell was there or not, I beg to be excused.

6092. Was there any stipendiary magistrate there at all, either Mr. O'Donnell or Captain Coote?—No, I do not think there was; I am not sure, I cannot positively say.

6093. Did you get any order from the bench on that occasion?—I did.

6094. What was it?—They brought up, to the best of my knowledge, seven or eight parties they saw throwing stones that night; sentences were issued against them, and when they were brought before the justices they were sentenced to ten shillings fine, or I am not sure whether it was a week or a fortnight in goal—eight shillings of the fine to be applied towards the repairing of the windows. That was the first occasion.

6095. Mr. Commissioner KEMAN.—You did not get the eight shillings?—No, I did not, I got a perk.

6096. You got part of the fine?—I got part of the fine.

6097. Mr. Commissioner MURPHY.—When was that?—Well, the first summer I got was for the night of the election. It happened to be Saturday night, of all nights in the week, as far as I can guess, about eight or nine o'clock.

6098. When next?—The next night was the petition affair.

6099. The night of the closing of the petition?—Yes; that was the night they threw the gunpowder into the window.

6100. Mr. Commissioner KEMAN.—Did you know any of them?—I did.

6101. Mr. Commissioner MURPHY.—I suppose you would be very glad to have the constabulary force in Derry to prevent a recurrence of such events?—There would be no recurrence of that there was only a way of putting down the political agitators in Derry.

6102. In Derry?—Yes, it is full up of them. It is full of political agitators—it is they who raise the whole disturbance. Mr. Hempton says he heard the noise I made, crying out on that Saturday night, the first occasion at twelve o'clock. Was I not at liberty to go up, when I saw there was no protection in the street, to get a force of constabulary down? I did not know I was the means of bringing Mr. Hempton out of his house.

6103. That was the night he and Malcock came into collision?—Yes.

6104. Mr. McLaughlin.—Were you the Miller that

was fined? and he say anything against you in the matter?—He did not. He said nothing against me.

6105. Maybe he mistook you for somebody else of the name of Miller?—He knew me well.

6106. For that man that keeps the abeleen house in Bridge street?—No, he did not.

6107. Do you know the John Miller that was fined for keeping the abeleen house?—I know him perfectly well.

6108. What is his Christian name?—John Miller. And as you have asked me about that I will give you an answer. The time of the fine about that abeleen house they served Mr. Hempton in the same way, on two similar occasions.

6109. Did he sell without a license too?—No, but he sent out and got it in a licensed house. That was after Lord Clonville was elected, and when Mr. Hempton came the first time it was to try to squeeze something out of me.

6110. That was immediately after the first election?—It was. He thought he would get something out of me. He was on the other side then.

6111. On what side—not on Lord Clonville's?—Oh, you know that as well as I do.

6112. Tell us now of this unfortunate business—has Mr. Hempton himself a license?—I do not know, but I have drunk very often in his house.

6113. Were you not trying to get in?—I was sent down on a particular occasion, and I was sent out in a very bad state.

6114. I am very sorry to hear it!—If it was not for Mr. Hempton we would have none of these affairs in Derry.

6115. Mr. Crawford.—Do you know another Miller?—I do, several.

6116. Do you know anyone connected personally with Mr. Hempton?—I do.

Mr. McLaughlin.—I object to this. He refers to a man who was tried in Green-street, Dublin, and who was defended by Sergeant Downes and myself. What has this to do with the matter?

Mr. Commissioner KEMAN.—Is there any other witness, Mr. Crawford, you propose to call?

Mr. Crawford.—There is Mr. Alexander Lindsay, a magistrate. I would ask the Commissioners not to close till eleven o'clock to-morrow morning. I will certainly produce him, but not any other witness.

Mr. Commissioner MURPHY.—We will take any statement, in writing, he wishes to send in.

Mr. McLaughlin.—We could not make use of such a statement.

Mr. Commissioner MURPHY.—We can let you look at it if necessary.

Mr. Commissioner KEMAN.—It is in evidence that Mr. Lindsay has not sat on the bench of magistrates for a long time, and after what has termed out during the investigation into the conduct of the magistrates, is there any necessity to ask Mr. Lindsay's opinion on the matter?—We will take his statement in writing, addressed to our Secretary, if he wishes to send it in.

Is there any other person in court who wishes to be examined?

Mr. Crawford.—There is no other person, I am instructed, at present.

Mr. McLaughlin.—Then it is understood that the evidence on both sides has closed?

Mr. Commissioner MURPHY.—Yes.

SEVEN DAYS
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August 27.

Mr. McLaughlin.—At the close of this important and protracted investigation—an investigation in many respects trying to me, both physically and mentally—I do not think it would be proper if I did not express my deep sense of the courtesy and attention which the Commissioners have shown to me, as one of the professional men engaged in the case. I feel it is only right I should also say that, apart altogether from the consideration of how the evidence adduced might affect one side or the other, both the Commissioners—I don't apply the remark to one more than another—both the Commissioners spared no effort to get out everything that could bear on the particular matters the subject of inquiry. I take the opportunity of acknowledging the good temper, urbanity, and kindness with which nearly all the witnesses—all in fact, I do not except one—have borne what I may call the cross-examination to which, in the discharge of my duty, I had to subject them. I feel, indeed, I have been treated as a Derryman by old friends, and that is a matter as to which I naturally felt a particular anxiety. As regards one incident that occurred, I mean the retirement of the gentleman who originally conducted the case on the side on which Mr. Crawford was also retained, I think it ought to be a matter of congratulation to the latter gentleman, as he himself, in fact, expressed it to day in the presence of the court, that one of the Commissioners has fairly and fully, as I believe, and with a leaving, if anything, to the side (and I don't complain of it, I rather rejoice at it) which is opposed to the one I represent, has brought out everything that could be said in favour of the case that Mr. Ros was originally here to support. If I have done anything out of course in making these observations, I trust the Commissioners and the public will do me the justice of thinking that I believed it right those statements should be made, and that I am perfectly sincere in making them.

Mr. Crawford.—Personally, I concur in all Mr. McLaughlin has said, but as to Mr. Ros, I wish to say that I was acting with him, not for a party at all, but for the three persons whom he represented, and I regret we have been deprived of that assistance, which, if he had been permitted to go further, we would have had, in showing that many things alleged here were fallacious. I am very sorry, indeed, that any unhappy occurrence took place, and that Mr. Ros retired, for although I cannot help repeating that I believe Mr. Rahman, as the senior Commissioner, the moment he found one party in Derry entirely unrepresented, did ask all the questions that could suggest themselves, still, Mr. Rahman, being a stranger to Derry, could not have known, as a professional man, must have known, the different points which were proper to depend upon to destroy one-sided evidence given before them. Of course it was the duty of the Commissioners to do this, and that duty has been fairly and fairly discharged by them, at the investigation, so far as they could, but unaided. The cross-examination by the Commissioners was far from being as searching as it would have been had Mr. Ros remained, and conducted the proceedings, and I was in great hopes he would have done so. For myself, I have personally received from the Commissioners everything I could expect from them as a professional man, and, as I said before, I concur in all the observations that Mr. McLaughlin has made.

Mr. Commissioner ELLIOT.—As this Commission has now closed, I will make a few observations. We have been sitting here regularly since yesterday week, and during that time we have examined, I find, forty-six witnesses, comprising gentlemen of the highest respectability in this city—some produced by Mr. McLaughlin—I won't say produced by any one—but coming up to give their evidence and their opinion. Many, indeed, I may say almost every one of these, coming up at our request, in consequence of a communication from our secretary that we invited their attendance to give us information. From each and every person who so came up we have received most valuable information,

and it will be the duty of my friend and myself—a duty which I for him and for myself undertake we shall perform with a most serious sense of the responsibility that rests upon us—it will be our duty to go carefully through every single line of the evidence that has been given at this inquiry before we make in answer to the warrant of His Excellency the report, and offer the advice, that we will think necessary upon the different matters which we have been empowered to investigate. It was no fault of ours the occurrence that took place at an early part of the inquiry. I do not mean to refer to that occurrence further, than to say it was through no fault of ours that any person here was deprived of the advocacy of any one. With regard to the period at which it took place, and the manner in which it took place, relating as it did to the investigation about the conduct of the magistrates, I repeat what I have said before, that so far from there being any fault to be found with that matter being investigated, I think when once the charge was made against them in the city in which they are magistrates it would be unfortunate, indeed, if the warrant under which we are acting did not enable us to inquire into their conduct. So far from it being desirable that that investigation should not take place, in my opinion—and I believe in this I have the concurrence of my friend—it was most desirable for the magistrates themselves that it did take place, and that the matters alleged have been stated most thoroughly. From the moment Mr. Ros withdrew from the inquiry my friend and I thought it but fair—and it fell to my lot simply as happening to be senior Commissioner—to put certain questions to the individuals that came up to be examined—not with the view of benefiting one party or the other, but with a view of coming at the truth—the whole truth, and nothing but the truth—in respect of the several matters that are the subject of our inquiry. We wished that every person, if every shade of politics and religion, who wished to give information with respect to the unhappy past, or the future that is before this city, should come forward and give us that information upon any and every point that we thought material. And, in the same way, when charges were made against bodies and against individuals, we invited them to come forward, that they might have a full opportunity of explaining matters which, if unexplained, would at all events, have borne an aspect different from that which they would have when all evidence was upon our minutes. I venture to express the hope that this investigation will not be without useful results for this important city. Since my friend and I have come here it has been the subject of conversation with us—the amount of prosperity we see around us; the people seem to be well living, comfortable, and thriving; and I must add, that I have never in any other city seen such perfect quietness and good order as reign in the streets of Londonderry. On yesterday evening I remarked that I did not think I saw a person in the streets under the influence of drink, or hardly a beggar either. There are certainly most gratifying facts. I need not say that it will be a matter of sincere gratification to my friend and myself if, by the report which we shall feel it our duty to make to His Excellency, we are enabled to retrace all parties for the future. We all have our opinions, and I hope we shall always have them, but still no one can say that it would not be most desirable, if anything can be done in the future, by which the lamentable scenes of the past may be avoided, and all need arise of investigations such as this, into transactions involving the loss of human life. I can only repeat if we, by our report, can do anything which will lead to this desirable result—if by our advice or suggestions there is accomplished a reconciliation of parties in this city, and that no unfortunate events disturb its peace in future, we shall always look back to this Commission with pleasant feelings. From the professional gentlemen whom I see now in court, we have received every possible courtesy, and the fullest attention has been given to our suggestions. We have re-

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ceived that from Mr. McLaughlin on the one hand, and on the other from Mr. Claveford, who, coming in as he did late in the inquiry, evinced courtesy and kindness, and a ready yielding to the rulings which we felt bound to make on questions as they arose. I must add our acknowledgments to the gentlemen who came forward to give evidence for their attention to our request that they would do so, and for the valuable information which they have afforded us. We shall think over the subjects of our inquiry with the utmost attention; and having regard to the time within which the evidence must be given, and to the necessarily despatch which we shall have to give to that evidence, we shall make our report to His Excellency as soon as we possibly can.

Mr. Commissioner Murray.—After the observations that have been made by the senior Commissioner I do not think it necessary to detain the portion of the public I see present in court much longer than to state that in what he has said I fully concur. We have both admired—and sincerely admired—the mode in which Mr. McLaughlin conducted this inquiry under the most difficult circumstances that any advocate could be placed in, namely—that of having for four or five days no advocate opposed to him, a state of things that rendered his position much more onerous and difficult—*independent of the physical toil*—than it would otherwise have been. I concur in the observation he has made, and made in a very good spirit, with respect to the kindness of manner which the witnesses produced on one side or the other have exhibited towards him, and, I may add, towards the population of this great city. If anything that we can do will tend to preserve the public peace—to establish a better feeling between parties who perhaps hate each other because they do not know each other well—if such results follow our labours

here, we shall indeed have reason to congratulate ourselves upon them; if these results do not follow, we shall have ample cause to deplore it. I am very happy indeed that several gentlemen came forward yesterday and to-day whose conduct had been affected during the earlier part of the inquiry. I own I was greatly struck by the evidence given by Captain Stafford, as to the part Mr. Ferguson had taken in some proceedings in which it was supposed the Apprentice Boys had occupied a very leading and prominent position, and had done so with the sanction of those who were at the head of them; and, unquestionably, a good deal of the evidence given with respect to those proceedings would tend to fix on Mr. Ferguson that he was the leader of a good many riotous transactions on the part of the body over which he presided. Captain Stafford's evidence displaced that impression, so far as the occasions to which he referred, and then Mr. Ferguson himself came forward, openly and boldly, to state his part in all these transactions, and I must say that the evidence he gave, and the evidence of the other officers of the society, convinces me that, whatever riots or disturbances occurred on these occasions were not with his sanction or at his suggestion. I therefore express my great delight that he and the other officers of the society have come forward to give the evidence they have given; and no matter what impression may be stored against them, no matter what opinions may be entertained as to these proceedings, or as to the desirability of putting them down, their private character, with respect to a great many things that were put forward in the course of the inquiry, is not, I would say, tainted or affected by the evidence that has been brought before us.

The Commissioners then rose, and the proceedings were brought to a close.

APPENDIX.

APPENDIX A.

LETTERS AND DOCUMENTS.

APPENDIX, No. 1.

LETTER FROM T. H. BURKE, Esq., with WARRANT to COMMISSIONERS, August 12th, 1869.

Dublin Castle, August 12th, 1869.

GENTLEMEN,—I am directed by the Lord Lieutenant to appoint you that His Excellency has been pleased to appoint you to hold an inquiry with reference to the recent riots and disturbances at Londonderry, and the necessary warrant for that purpose, under His Excellency's signature, is herewith enclosed.

His Excellency requests that your report may be furnished without any unnecessary delay.

I am, gentlemen, your obedient servant,

T. H. BURKE.

William Allen Esham, esq., &c., and
James Murphy, esq., &c.

APPENDIX, No. 2.

LETTER FROM T. H. BURKE, Esq., to SECRETARY, intimating his Appointment, August 14th, 1869.

Dublin Castle, August 14th, 1869.

SIR,—I am directed by the Lord Lieutenant to state that His Excellency has been pleased to appoint you to be Secretary to the Commissioners appointed to hold an in-

quiry with reference to the recent riots and disturbances at Londonderry.

I am, sir, your obedient servant,

M. J. Barry, esq., &c.

T. H. BURKE.

APPENDIX, No. 3.

COPY LETTER OF SECRETARY to MAYOR of LONDONDERRY, as to PROCEEDINGS of COMMISSION, August 17th, 1869.

Londonderry Inquiry Commission,
August 17th, 1869.

SIR,—I am directed by the Commissioners to apprise you that they will formally open their Inquiry in the Record Court, at twelve o'clock noon, this day, when information will be given by them of the extent and scope of their investigation.

The Commissioners desire me to express their regret that they were unable to give you earlier notice of these proceed-

ings, but they will take care that no evidence which may throw light on the subject of their inquiry shall, through any act of theirs, be unheard.

The Commissioners have no doubt that you will give them all the assistance in your power towards promoting the object of their investigation.

I am, sir, &c.,

M. J. BARRY, Secretary

His Worship the Mayor.

APPENDIX, No. 4.

COPY LETTER OF SECRETARY to T. H. BURKE, Esq., enclosing List of OFFICIAL WITNESSES required to attend INQUIRY, August 17th, 1869.

Londonderry Inquiry Commission,
Londonderry, August 17th, 1869.

SIR,—I am directed by the Commissioners to inform you that they have been obliged on to procure the attendance of the witnesses named hereto for examination, and they will thank you to cause them to attend at the earliest possible time to give evidence before them.

The Commissioners, at the urgent request of the gentlemen professionally engaged, have adjourned the inquiry to Thursday next, at eleven o'clock, a.m.

I have the honour, &c.,

M. J. BARRY, Secretary

To T. H. BURKE, esq., Under
Secretary, Dublin Castle.

APPENDIX, No. 5.

COPY REPLY OF T. H. BURKE, Esq., to foregoing, August 18th, 1869.

Dublin Castle, August 18th, 1869.

SIR,—Referring to your letter of the 17th instant, I am directed by the Lord Lieutenant to acquaint you, for the information of the Londonderry Inquiry Commissioners, that the necessary orders have been issued for the attend-

ance at Londonderry of the witnesses therein referred to, on to-morrow, the 19th instant.

I am, sir, your obedient servant,

T. H. BURKE

M. J. Barry, esq., &c., &c., Londonderry.

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APPENDIX, No. 6.

COPY LETTER of SECRETARY to TOWN CLERK of LONDONDERRY, asking RETURN respecting LOCAL BOROUGH POLICE, October 14th, 1869.

Londonderry Inquiry Commission, 1869.

3, Mount-street Crescent,
Dublin, October 14th, 1869.

SIR,—In your evidence before the Commissioners you intimated that you would furnish them with such particulars as they might require in reference to the local borough police. I am directed by the Commissioners to transmit to

you the enclosed tabular form, and to request that (so far as you can do so) you will send me the information indicated under the several heads, in a similar table.

I am, sir, your obedient servant,

M. J. BARRY, Secretary.

J. W. Gregg, esq., Town Clerk, Londonderry.

APPENDIX, No. 7.

COPY LETTER to T. H. BURKE, Esq., asking for RETURNS of MILITARY and CONSTABULARY, at different dates, October 26th, 1869.

Londonderry Riots Inquiry Commission.

3, Mount-street Crescent, October 26th, 1869.

SIR,—I am directed by the Commissioners to request that you will cause returns to be sent to me of the number of military and constabulary on duty in the city of Londonderry on the following days—viz., July 20th,

August 12th, November 20th to 23th, December 1st and 18th, 1869; January 1st, February 2nd, April 25th, and August 12th, 1869.

I have the honour to be, sir, your obedient servant,

M. J. BARRY, Secretary.

Thomas H. Burke, esq., Under Secretary.

APPENDIX, No. 8.

COPY REPLY to above, with RETURNS, November 6th, 1869.

Dublin Castle, November 6th, 1869.

SIR,—I am directed by the Lord Lieutenant to transmit herewith, for the information of the Londonderry Riots Inquiry Commission, as requested in your letter of the 26th ultimo, copies of returns showing the number of mili-

tary and constabulary on duty in the city of Londonderry on the several dates mentioned in your communication.

I am, sir, your obedient servant,

T. H. BUCKLE

Michael J. Barry, esq., Secretary, Londonderry Riots Inquiry Commission.

APPENDIX, No. 9.

COPY CORRESPONDENCE in reference to Application for CONSTABULARY FORCE for the CITY of LONDONDERRY furnished by Mr. J. W. GREGG, Town Clerk

Constabulary Office, Dublin Castle,
February 1st, 1861.

SIR,—I have to acknowledge the receipt of Mr. Gregg's letter of the 26th ult., inquiring, for your information and that of the Corporation of the Borough of Londonderry, whether, in the event of an application being made for an augmentation of the constabulary force of the borough, the night duty would be performed by the additional constables so appointed—whether these additional constables could be placed under the control of the Mayor, and whether the borough would be liable for more than a moiety of their expense.

In reply I beg to state, in addition to the information conveyed in the accompanying memo., dated 31st May last, which I beg may be referred to your convenience, that provided an adequate increase shall be made to the constabulary force in the city of Londonderry, the police would be required to patrol, or otherwise watch, over the borough during the whole night; but that, according to the Act under which the services of the constabulary could be required at all, they must remain under the sole direction of the constabulary authorities. Under any circumstances, however, a moiety only of the expense would be charged on the borough, agreeably to the provisions of the Acts quoted in the memo. referred to, and the Act 11 and 12 Vic., cap. 72.

I have the honour to be, sir,

Your most obedient, humble servant,

D. McGARRON.

The Mayor of Londonderry.

Town Clerk's Office, Londonderry,
February 14th, 1861.

SIR,—I am directed by the Mayor to acknowledge the receipt of your letter of the 12th inst., relative to the augmentation of the constabulary force in this city, and to return the minute you were so kind as to forward to him.

As he does not clearly understand to what extent he may interpret the words, "otherwise watch over the borough during the whole night," contained in your letter, he directs

me to state to you the particulars of the night duty as performed by the borough police, with the view of ascertaining whether the constabulary would undertake similar duties.

To each constabulary portion of the city consisting of one, two, or three streets, as the case may be, is given in charge, and he is constantly required to patrol the streets contained in his beat from nine o'clock at night until six the next morning, and to use the words of the printed directions, "he is held accountable for the life and property within his beat, and for the preservation of the peace and general good order during the time he is on duty." To secure regularity, a sergeant is constantly visiting the several constables on the respective beats during the night.

The constables are required to appear each morning before the presiding magistrate to prove any charges they may have to prefer against parties taken into custody by them.

May I beg to be informed whether these duties would be performed by the constabulary in case of additional constables being appointed, and what officer would be held responsible for the proper discharge of them.

I have the honour to be, sir,

Your most obedient, humble servant,
JAMES W. GREGG, Town Clerk.

Sir DAVEN M'GARRON,
Inspector-General Constabulary,
The Castle, Dublin.

Constabulary Office, Dublin Castle,
February 13th, 1861.

SIR,—I have to acknowledge the receipt of your communication of the 14th instant, and to inform you that provided the proposed augmentation be sufficient to enable the men to perform effectively the duty referred to, the constabulary will, of course, undertake it; but before the Inspector-General can give a definite answer on this point he would be glad to be informed what number of men will be required each night for such duty, also whether it is expected that they will perform a similar duty by day, and if so, what number of men will be required by day.

The head constable, or constable in charge of the night-watch, will, under the general superintendence of the sub-inspector of the district, be responsible for the discharge of the duty in question.

I am, sir, your obedient servant,

H. J. BROWNE, Deputy Inspector-General
James W. Gregg, Esq., Town Clerk, Londonderry.
(Town Clerk replied to the above.)

Constabulary Office, Dublin Castle,
21st February, 1851.

Sir,—In reply to your letter of the 17th inst., I have to inform you that, provided twenty men be applied for, the duties referred to will be undertaken by the constabulary. At the same time it is to be understood that in the event of casualties these duties can be performed only by the effective men of such increase.

In order, however, that the number of men required for the performance of the duties in question shall, as far as possible, be at all times available, the Inspector-General suggests that the proposed augmentation shall not be less than twenty-five men.

I am, sir, your obedient servant,

H. J. BROWNE, Deputy Inspector-General
James W. Gregg, Esq., Town Clerk, Londonderry.
(Here the matter was let drop by the Corporation.—J. W. G.)

Town Clerk's Office, Londonderry,
22nd January, 1852.

Sir,—Referring to a correspondence numbered as above which I had the honour of holding with you in February, 1851, relative to the augmentation of the constabulary force in this borough for the performance of local duty in carrying into effect the provisions of "The Londonderry Improvement Act, 1845," and defined in my letter of the 14th February, 1851, I am directed by the Corporation of this city to enquire whether the arrangements then proposed, and to which you were pleased to accede in your communication numbered 2,173, can now be carried into effect, viz.—the discharge of those duties, both by day and night, by the constabulary, the number of the force being augmented by twenty-five men, only one moiety of the expense to be payable by the Corporation.

I have the honour to be, sir, your obedient servant,
James W. Gregg, Town Clerk.

Sir Duncan McGregor, Bart.,
Inspector-General of Constabulary,
Constabulary Office, Dublin Castle.

Constabulary Office, Dublin Castle,
23th January, 1852.

Sir,—I am to acknowledge the receipt of your communication of the 22nd inst., addressed to Sir Duncan McGregor, and to inform you that the former application had reference to an increase of constabulary for municipal purposes—under the provisions of the 3rd and 4th Vic., c. 138, sec. 39, and not under the Londonderry Improvement Act of 1845, with the provisions of which Act the Inspector-General is not concerned. If you will, however, be good enough to favour him with a perusal of it, he will thereupon communicate to you his view of the matter.

I have the honour to be, sir,
Your most obedient, humble servant,

H. J. BROWNE, Deputy Inspector-General,
James W. Gregg, Esq., &c., Town Clerk, Londonderry.

Town Clerk's Office, Londonderry,
26th January, 1852.

Sir,—I have had the honour to receive your communication of the 25th inst., and in reply beg to inform you that the application from the Corporation of this borough for the increase of the constabulary is proposed to be made under the provisions of the 3rd and 4th Vic., cap. 138, sec. 121, for municipal purposes, and I merely mentioned "The Londonderry Improvement Act," inasmuch as the regulation of the streets, markets, &c., is provided for by that statute and the Acts incorporated therewith. I shall

forward you by this post a copy of the Acts referred to, which I shall feel obliged by your returning.

I have the honour to be, sir, your obedient servant,
James W. Gregg, Town Clerk,

Borough of Londonderry

H. J. BROWNE, Esq.,
Deputy Inspector-General of Constabulary,
Dublin Castle.

Constabulary Office, Dublin Castle,
6th February, 1853.

Sir,—I have the honour to acknowledge the receipt of your letter of the 28th ult., together with a copy of the Acts referred to, which I beg to return herewith; and I am to inform you, that if the proposed increase be applied for under the provisions of the 3rd and 4th Vic., cap. 138, sec. 121, a moiety of the expense will be chargeable to the Consolidated Fund, but the sum so to be appointed cannot be employed in paying out any of the provisions of the Londonderry Improvement Act.

I have the honour to be, sir,

Your most obedient, humble servant,
H. J. BROWNE, Deputy Inspector-General
James W. Gregg, Esq.,
Town Clerk's Office, Londonderry.
(Here the matter was again permitted to drop.—J. W. G.)

Town Clerk's Office, Londonderry,
16th August, 1857.

Sir,—Referring to a correspondence in February, 1855, numbered as above, I am directed by the Corporation of this city to enquire whether the arrangements, as then proposed can still be carried into effect, for having the police duties discharged in this city by the constabulary upon making application for an increased force, one moiety of the expense to be chargeable to the city.

I have the honour to be, sir, your obedient servant,
James W. Gregg, Town Clerk.
John F. Browne, Esq., Chief Clerk,
Constabulary Office, Dublin Castle.

Constabulary Office, Dublin Castle,
24th October, 1857.

Sir,—On my return to Dublin, after a temporary absence, I found your letter of the 15th August last, referring to the part of the Corporation of the city of Londonderry to former correspondence respecting a proposed increase of the constabulary stationed in that city, with a view to the discharge of police duties there.

In reply, I beg to state, for the information of the Corporation, that if application be made pursuant to the provisions of the 3rd and 4th Vic., c. 138, sec. 121, for an increase of the county of Londonderry force stationed in the city, it is probable the Government would concede the request, in which case the Consolidated Fund would sustain one-half the additional expense. But it is to be remarked that the constabulary so augmented could not be employed in enforcing the provisions of the Londonderry Local Act.

And I may add that I trust I may not be called upon to augment the county force until the existing vacancies in the force generally have been filled, which I hope to be able to accomplish by next spring.

I have the honour to be, sir, your obedient servant,
J. BROWNE WOOD, Inspector-General
James W. Gregg, Esq., Town Clerk, Londonderry.

Town Clerk's Office, Londonderry,
19th April, 1858.

Sir,—Referring to a former correspondence on the subject of a proposed increase to the constabulary stationed in this city for the discharge of police duties instead of our local force, and to your communication of the 3th October, 1857, in which you state "I trust I may not be called upon to augment the force until the existing vacancies in the force generally have been filled, which I hope to be able to accomplish next spring." I am directed by the Corporation of this city to enquire whether you are now in a position to supply the additional men necessary for the discharge of the duties in this city, in case the Government be pleased to comply with a memorial praying for such addition to the force.

I have the honour to be, sir, your obedient servant,
James W. Gregg, Town Clerk.

Colonel Wood, &c.,
Inspector-General, Royal Irish Constabulary.

LONDONDERRY RIOTS INQUIRY COMMISSION, 1869.

Constabulary Office, Dublin Castle,
21st April, 1869.

Sir,—In reply to your letter of the 19th inst., I beg to say that the warrants in the constabulary force having been nearly filled up I can offer no further objection to the Corporation of the city of Londonderry taking such steps as they may be advised with a view to an increase of the constabulary in the city of Londonderry.

I am, sir, your obedient servant,
J. S. Woods,
Inspector-General, Royal Irish Constabulary.
James W. Gregg, Esq., Town Clerk, Londonderry.

Town Clerk's Office, Londonderry,
23rd April, 1869.

Sir,—I have the honour to acknowledge the receipt of your letter of the 21st instant, stating that you could offer no further objection to the Corporation of this city taking such steps as they may be advised with a view to an increase of the constabulary in the city.

Prior to making an application to the Lord Lieutenant for the additional force, in pursuance of the Act 3rd and 4th Vic., cap. 108, I am directed to inquire what extra number you would consider necessary for the duties to be discharged (the entire care, supervision, and preservation of order, &c., within the city by night and day). You are already aware, no doubt, from the former correspondence,

that it is proposed to abolish the present local force, and to place the city entirely in the hands of the constabulary—a change which would be attended with great public benefit to the citizens generally, and which, we hope, may now be carried out without any considerable delay.

Before, however, taking the necessary prescribed proceedings in the matter, we consider it desirable and right that we should request from you the information sought.

I have the honour to be, sir, your obedient servant,
James W. Gregg, Town Clerk, Londonderry.

Royal Irish Constabulary Office, Dublin Castle,
24th April, 1869.

Sir,—In reply to your letter of the 23rd instant, I have to say that, with every disposition to afford all the information desired to the extent of my power, I do not feel at liberty to enter upon the subject without the sanction of the Government, as it would seem to be the proper course to ascertain in the first instance whether the Government will be prepared to accede to the proposal of placing the whole of the police duty of the city of Londonderry in the hands of the constabulary on the abolition of the present local force.

I have the honour to be, sir, your obedient servant,
J. S. Woods, Inspector-General.
James W. Gregg, Esq., Town Clerk, Londonderry.

APPENDIX, No. 10.

COPY QUERIES to TOWN CLERK, BELFAST, on behalf of LONDONDERRY CORPORATION, and REPLIES thereto.

How many head and sub-constables are at present on duty under the pay of corporation?—The quota of constables for Belfast is 440, 130 of whom are the county constables, and free to the borough, the remaining 310 are paid one-half by Government and one-half by corporation.

How many men were employed on the former local force?—Fifteen Inspectors and 140 constables.

How much is paid by the corporation for the present force per man, for head-constables and sub-constables?—Nothing is paid for head-constables. A warranted allowance of 4s 6d is 3d per man for sub-constables. Barracks, &c., is charged to corporation, with an additional 6d per night per man for night duty, which is from 11 p.m. to 6 a.m.,* but only one man is charged, although there may be relief.

Are there any other charges for station, office, or other expenses, and if so, please mention them?—None. The corporation provide a lock-up and watch-house for prisoners, which the constabulary have charge of.

Do the constabulary discharge all the ordinary police duties or performed by the former force, and are such duties discharged to the satisfaction of the corporation, and as efficiently as by the former force?—Yes; they are discharged very efficiently, and to the entire satisfaction of the corporation.

Does the corporation employ any constables in addition to the constabulary for market or other duties?—No.

Do the constabulary receive directions from the corporation or the magistrate, or are they actively under the direction and control of their officers?—Under the direction and control of the town inspector and his sub-inspectors.

* So is signed.—J. W. G.

APPENDIX, No. 11.

COPY of RESOLUTION of CORPORATION of LONDONDERRY, on 23rd of August 1869, in reference to POLICE FORCE of the CITY.

At a meeting of the Corporation of the City of Londonderry, held on the 23rd day of August, 1869,
It was resolved,—

That the corporation consider it desirable that the Royal Irish Constabulary should be substituted for the local police force, upon the understanding that all the duties as discharged by the present force are performed by the constabulary, and that the expenditure be limited to a sum of £1,500 per annum, being the maximum sum which the present taxation of the city would permit.

That for several years past this corporation have been

endeavouring to have this arrangement carried into effect, and that it is entirely owing to the difficulties raised by the constabulary authorities that it has not been adopted.

That the Mayor, Aldermen Shipton, Councilor Sir Edward Reid, the Town Clerk, and the sub-clerk, be now authorized to meet upon the Constabulary at present in this city for the purpose of affording them such information as may be necessary for carrying into effect the proposed change in the police force, and making arrangements in connection therewith.

JAMES W. GREGG, Town Clerk.

APPENDIX, No. 12.

COPY OF BYE-LAWS of the APPRENTICE BOYS of DERRY.

RULES and BYE-LAWS of the APPRENTICE BOYS of DERRY CLUB, founded 1835, also FORM for ADMITTING MEMBERS, and RULES of the GENERAL COMMITTEE.

"Yes, I will stay about Thy mercy; for Thou hast been my defence and refuge in the day of my trouble."

LONDON: Printed by DAVID JEWELL, 13, Castle-street.—1868.

ORDERS of BUSINESS.

- 1st—Opening of Meeting.
- 2nd—Calling the Roll.
- 3rd—Reading Minutes by the Secretary.
- 4th—Reading Communications (if any.)
- 5th—Propositions of Members.
- 6th—Balloting or Voting for Members.
- 7th—Admission of Members.
- 8th—Collection of Dues and other moneys.
- 9th—General Routine of Business.
- 10th—Adjournment.

GENERAL RULES of the APPRENTICE BOYS of DERRY CLUB.

Agreed upon 8th October, 1868. Affirmed and Adopted as the Rules of the Associated Clubs, at a Meeting of the General Committee, held 7th December, 1867.

"They have given a Banquet to those that fear Thee, that it may be destroyed because of Thy wrath."

RULE I. That our Club be established for the purpose of CELEBRATING the ANNIVERSARIES of the SUPPRESSION of the GAIRES and the ROLLER of DERRY, and then banding down to posterity the memorable events of the years 1688 and 1689 connected with this City.

II. That in the formation of this Club we are not actuated by notions of sectarian feeling, which we consider would be at variance with the cause of Civil and Religious Liberty, the celebration of its establishment being the special purpose for which our Society was instituted.

III. That the business of the Club be conducted by a President, Vice-President, Secretary, Treasurer, and Five Members; the whole constituting a Committee, the majority of whom, being present, may transact the business of the Club.

IV. That the General Meetings of the Club be held on the Second Wednesday in each Month, to receive Subscriptions, to Elect and Admit Members, and transact the General Business.

V. That the Executive of the Committee shall have power to call a Meeting of the Committee, and the Committee a General Meeting, at any time it may be deemed proper; and the Secretary may call a General Meeting on the requisition of Seven Members.

VI. That any person desirous of becoming a Member must be regularly proposed, seconded, and ballotted for, and, having been accepted by the Club, may be admitted a Member.

VII. That regarding, or any insinuation of profaneness, be not permitted, and that it be in the power of the President or other Chairman, to fine any Member so transgressing in such a sum as he may think fit, likewise, said power to extend to any Member not keeping order when called on.

VIII. That any Member absconding himself from the Meetings of the Club for three successive times, without a satisfactory cause, may be expelled the Club.

IX. That any Member being more than three Months' Arrear may be expelled, at the pleasure of the Club, and no Member shall be eligible for any Office who shall be more than Three Months' Arrear.

X. That all the property of the Club shall be under the charge of the Committee, and cannot in any way be disposed of without their sanction.

XI. That any Member absconding himself from the Celebrations shall be fined in a sum not exceeding Five Shillings, unless prevented by absence from the city, domestic industry, or illness.

XII. That, in case of contention or dissension among Members of the Club, it shall be in the power of the President to interpose, and submit the matter to the Committee or the Club at a General Meeting. Any Member raising the authority of the President shall be dealt with as the Club shall direct.

XIII. That the Officers of the Club be elected for a period of Twelve Months, their election to take place at the October Meeting—to enter Office in November. No Vacancy to be filled up at other than a Monthly Meeting.

XIV. That, to effect a due observance of good order and regularity, no Member is at liberty to communicate the affairs

of the Club to any one but a Member, and thereby prevent such life entirely into its regulations and business as may be injurious to its efficiency and well-being.

FORM for ADMISSION of MEMBERS.

"Love the Brotherhood. Fear God. Honour the King."

President—You have been balloted for and accepted by this Club. Is it now your wish to be admitted a Member?

Candidate—It is.

President. Will you promise faithfully to observe, obey, and act in accordance with the Rules and Regulations you hold in your hand; will you subscribe to them in their true letter, spirit, and general acceptance, and enforce a steady obedience to them in others by a diligent observance of them yourself?

Candidate—I do promise.

President—Will you bear and conduct yourself with a proper degree of respect to all persons who now are, or hereafter may be, appointed to any Office; will you acknowledge, as far as in you lies, to have and promote a friendly feeling, and exert all your influence to prevent any quarrels or contentions among the Members of the Club?

Candidate—I will endeavour to do so.

President—Will you exert all your influence to promote its property and welfare, and will you faithfully, honestly, and lawfully exercise any duties, offices, or charge where-with you now are or hereafter may become invested?

Candidate—I promise so to do.

President—I now cordially receive you into the ranks of our benevolent and tolerant brotherhood, inviting you, in token thereof, with this Crimson Badge, the emblem of our unconquered City. May it proceed thenceforth to elucidate you to firmness and zeal in the maintenance of those great principles of truth and loyalty which are the special inheritance of Derry.

(The new Member then signs the Club Roll.)

BYE-LAWS of the APPRENTICE BOYS of DERRY CLUB.

"Thou shalt therefore keep this Ordinance (it is sworn from year to year.)"

CELEBRATIONS.

I. The Word Celebration, in Rule Eleven, shall be considered to signify and mean all and every such procedure as a Resolution of the Club shall determine to be done upon a Commemoration of the Anniversary of the Shooting of the Gaires, or of the Roll of Derry, provided such resolution be not in opposition to any law of the land.

OFFICERS AND POWERS.

II. That any Member who shall refuse to act in any Post or Office in the Club, after having been elected thereto, shall be fined in a sum not exceeding One Shilling. Any Member absconding himself, without the sanction of the President for the time being, from any part of the Outdoor Celebrations, shall be fined in a sum not exceeding One Shilling for each time of absence.

MONTHLY MEETINGS.

III. The Members of this Club shall Meet together on the second Wednesday of each Month at Eight o'clock in the evening.

EMERGENCY MEETINGS.

IV. The President shall have power to call Emergency Meetings at his discretion, by giving notice to all Members in the City as early as possible previous to the hour of meeting, and no business to be brought forward except that stated in the summons.

NEW CANDIDATES.

V. Any Person desirous of being admitted a Member must be duly proposed and seconded, and on the next regular night of Meeting Ballotted for; three black beans to exclude, and the person so rejected cannot again be put in nomination until the expiration of Three Months—When a Celebration intervenes, the President may name his Licensee to a proposed Candidate, enabling him to take part in it.

ENTRANCE FINE.

VI. Each Candidate shall, on the occasion of his Admission, pay to the Treasurer the Sum of Two Shillings and Sixpence.

MEMBERS OF OTHER CLUBS.

VII. Any Person belonging to or coming from another Club, and wishing to be admitted a Member of this Club, must produce an Certificate, to duly proposed, seconded, and balloted for on next regular night of Meeting, the majority of votes to decide, and on his admission shall pay the sum of One Shilling.

NOTICE OF RESIGNATION.

VIII. At the monthly meeting in October, being the term for the Election of Officers, every Member resident in and about the City shall be notified to attend. Any Member absenting himself from such meeting without assigning a satisfactory cause, shall be fined in the sum of One Shilling.

ELECTION OF OFFICERS.

IX. The Club shall elect its officers annually by Ballot, or otherwise, agreeably to the Rules of the General Committee, at the regular meeting in October. The newly-elected Officers to be installed at the November meeting following.

NEW OFFICERS.

X. No Member shall be eligible to be elected to any Office unless he be clear of all Debt; nor shall any Member be eligible to be elected to any Office who has within the previous six months absented himself from the regular Meetings without good and sufficient reason.

MEMBERS IN ARREARS.

XI. Any member of this Club being more than three months in arrears of dues shall not be eligible to vote at the election of any Officer, or on any subject connected with the Club; nor shall he be allowed to speak on any subject, unless by permission of the President.

ANNUAL SUBSCRIPTIONS.

XII. The Annual Subscription of active Members shall be Six Shillings per Annum, payable half-yearly in advance, or 6d. per month, payable at each regular Meeting. Hesperian Members (Chorograph excepted) shall pay a subscription of Twenty Shillings annually in advance.

SECRETARY'S DUTIES.

XIII. The duty of the Secretary shall be to fill up Circulars for and attend such meeting of the Club, to read the Minutes and Bye Laws, to enter the transactions of every meeting, to carry on the correspondence of the Club, and to make out the returns for the General Committee, for the performance of which duties he shall be free from all Debt.

DUTIES OF COMMITTEE.

XIV. It shall be the duty of the Foreman and his Committee to have in charge and keep in proper order, and fit for service, the cannon and other property belonging to the Club, to make all necessary arrangements sanctioned by the Club for the becoming observance of the Coleraine fairs, to analyse and report on the Club List at convenient intervals, and to audit the Treasurer's Accounts after each Anniversary.

TREASURER'S DUTIES.

XV. The Treasurer shall keep a Pass Book in his own and the President's name, at the Savings' Bank; and no money to be advanced except on an order passed at a Meeting and signed by the President.

MEMBERS SPEAKING.

XVI. Members when speaking shall address the President standing. No Member shall be allowed to speak more than once on the same subject unless by way of explanation.

RESIGNATION OF MEMBERS.

XVII. Any member wishing to leave from the Club must intimate the same in writing to the Secretary, and no resignation can be received from any member unless he be clear of all Debt, &c. Certificate to be granted to Members in good standing on their resignation.

FINES.

XVIII. Any Officer who absents himself from a monthly meeting without giving the notice to the Club, or Secretary, of his absence, shall be fined in the sum of 6d.; and any Officer of the Club not in attendance at a meeting within half an hour of the time specified in Secretary's circulars shall be fined in the sum of 6d. Any member absenting himself from three successive monthly meetings shall be fined in the sum of 6d. All Fines notified by the Club under any of the foregoing rules shall be charged to Debt, and no member shall be at liberty to vote until such fines are paid.

UNSOUNDING CONDUCT.

XIX. Any Member guilty of unbecoming conduct will incur censure, fine, or suspension. The rules will also apply to Members six months in arrears of Dues.

ABANDONING BYE LAWS.

XX. No part of these Bye Laws shall be repealed or amended unless at a Monthly Meeting, and by a two-thirds vote of the Members present, a month's specific notice having been previously given in Writing.

RULES OF THE GENERAL COMMITTEE OF THE ASSOCIATED CLUBS OF APPRENTICE BOYS OF DERRY.

Adapted at a General Meeting of the Clubs, held 23d November, 1859 - amended 7th December, 1867.

"Surely I will remember Thy weakness of old. Which we have heard and known, and our fathers have told us?"

RULE I. That this General Committee of the Clubs shall be composed of the President, Secretary, and Treasurer of each Club, and the Vice-President of the Senior Clubs. In absence of any President the Vice-President to Act as his representative. Seven to form a Quorum.

II. That the Committee shall meet Quarterly, on each 1st February, 1st May, 1st August, and 1st November, and at such other times as the Chairman, on the requisition of Three Members, shall appoint, by notifying the Secretary of each Club, such Notice to be given in Writing by the General Secretary.

III. That the Officers of the Committee shall consist of the President of the Senior Clubs, as Chairman of the Committee, and Governor of the Associated Clubs, a Deputy-Governor, elected from among the Presidents of the remaining Clubs; and a Secretary and Treasurer, their election to take place at the November meeting in each year, when the several Clubs shall be required to make, through their Secretaries, full Returns of Officers and Members, and of persons suspended, rejected, resigned, or expelled.

IV. That the Committee shall have power to transmit the general business of the Association, to arrange the Programme for the observance of each Anniversary Celebration, to decide all Appeals from decisions of the Clubs, and to unify or amend all Regulations or Suggestions; the Secretary to report in writing all such proceedings, together with Names of Persons rejected or Resigned, to the Secretaries of the several Clubs.

V. That the Committee shall have Charter to the several Clubs, and same shall be recognised as such, unless they have been regularly Licensed by the Committee.

VI. That no Club shall be permitted to receive a Member resigning to another Club, unless he produce a satisfactory Certificate from the Club he has left.

VII. That the Committee shall have power to convene a General Meeting of the Associated Clubs, at such times as circumstances may render necessary.

The foregoing Rules, Bye Laws, and Form of Admission, were approved at a Special Meeting of the Apprentice Boys of Derry Club, held on Saturday evening, 23rd February, 1868.

JOHN G. FRASER, President.

ANDREW HAMILL, Secretary.

GOD SAVE THE QUEEN.

APPENDIX No. 13

Copy of MEMORANDUM of Constabulary Arrangements, agreed on for Prevention of DISTURBANCE,
February 9th, 1869.

Londoners, 9th February, 1882

the peace of this town this day, and which you will please
 transmit to the latter.

I send you a copy of the arrangements which Captain Pool, n.c., wishes to be carried out for the preservation of

B. BERNAN, 1st County Inspector
A. W. Stafford, S. L. 2nd, Londonderry.

Ship-quay-gate,	20 men,	1 Officer,
Mathews Hotel-gate,	20 men,	1 Officer,
Butchers-gate,	20 men,	1 Officer,
Port-office-gate,	20 men,	1 Head-Constable,
Black's-gate,	20 men,	1 Officer,
New-gate, at Horn's Rectory-house,	15 men,	1 Head-Constable,
Ferry-quay-gate,	15 men,	1 Head-Constable,
Payle street Steps,	10 men,	1 Head-Constable,
Orchard-street, at Barnack,	15 men,	1 Officer,
Emmery,	40 men,	2 Officers,
		1 Head-Constable,
	200 men,	6 Officers,
		5 Head-Constables,

APPENDIX B

TABLE A.—Return respecting the Londonderry Borough Police

Name	Age	Netherlands	Rail	Belgium	Belgium or through	France or through	Present Or suspension of employment of Police-men	Whether or not a Municipal Police	Whether or not a Prisoner Value.
1 Hamilton Davis,	47	De Derry,	Superint.	Episcopalian,	Walter street,	Parsons,	None,	No,	No,
2 John Hendrik,	47	Do,	Do,	Roman Catholic,	Walter street,	Labarre,	Do,	No,	No,
3 James O'Brien,	44	Co Walslow,	Do,	Do,	Bank-st,	Reynolds Police,	Do,	No,	No,
4 Hugh Wilson,	44	Derry,	Do,	Presbyterian,	Long Street,	Labarre,	Do,	No,	Yes
5 Richard Doyle,	47	Co Derry,	Comptrolr,	Episcopalian,	Walter-st,	Do,	Do,	No,	No,
6 John Smith,	47	Do,	Do,	Do,	Do,	Do,	Do,	No,	No,
7 Robert Long,	43	Do,	Do,	Presbyterian,	Ann street,	Do,	Do,	No,	No,
8 John Gibson,	52	Co Donegal,	Do,	Episcopalian,	Temple-road,	Reynolds Police,	Do,	Yes,	Yes
9 Robert W. Macdonald,	42	Do,	Do,	Presbyterian,	Ann street,	Labarre,	Do,	No,	No,
10 James McHenry,	48	Co Derry,	Do,	Do,	Walter-st,	Do,	Do,	No,	No,
11 William McCall,	47	Do,	Do,	Do,	Prison road,	Do,	Do,	No,	No,
12 Samuel McQuay,	45	Co Donegal,	Do,	Do,	Ann-st,	Do,	Do,	No,	No,
13 James Taylor,	40	Co Derry,	Do,	Do,	Walter-st,	Do,	Do,	No,	No,
14 James Campbell,	33	Do,	Do,	Do,	Do,	Do,	Do,	No,	No,
15 James Thompson,	36	Do,	Do,	Episcopalian,	Temple-st,	Do,	Do,	No,	No,
16 James Hutchinson,	37	Do,	Do,	Episcopalian,	St. Nicholas & Church,	Do,	Do,	No,	No,
17 William White,	45	Do,	Do,	Episcopalian,	Wapping-st,	Do,	Do,	No,	No,
18 John Wilson,	47	Co Donegal,	Do,	Presbyterian,	Temple street,	Do,	Do,	No,	Yes
19 William Hutchinson,	34	Co Derry,	Do,	Episcopalian,	Walter-st,	Do,	Do,	No,	No,
20 John Green,	35	Co Donegal,	Do,	Do,	Do,	Do,	Do,	No,	No,
21 Bernard McHenry,	34	Do,	Do,	Roman Catholic,	Temple-st,	Do,	Do,	No,	No,
22 John Macdonald,	30	Co Derry,	Do,	Episcopalian,	Temple-st,	Do,	Do,	No,	No,
23 Robert Crumley,	30	Do,	Do,	Episcopalian,	Temple-st,	Do,	Do,	No,	No,
24 Alexander Gray,	30	West India,	Do,	Presbyterian,	Henry & John,	Do,	Do,	No,	No,
25 John Macdonald,	28	Co Derry,	Do,	Roman Catholic,	Rocky road,	Do,	Do,	No,	No,
26 Samuel Graydon,	28	Do,	Do,	Presbyterian,	Market-st,	Do,	Do,	No,	No,
27 John McCreedy,	18	Do,	Do,	Episcopalian,	Duck-lane,	Reynolds Police,	Do,	No,	No,
28 Hugh Allen,	18	Do,	Do,	Presbyterian,	Reynolds-st,	Do,	Do,	No,	No,
29 David Sullivan,	18	Co Derry,	Do,	Roman Catholic,	Market-st,	Soldier,	Do,	No,	No,
30 Thomas McFarlane,	18	Co Donegal,	Do,	Episcopalian,	Walter-st,	Reynolds Police,	Do,	No,	No,
31 James McKee,	36	Co Donegal,	Do,	Presbyterian,	Labarre,	Do,	Do,	No,	No,
32 Patrick O'Donoghue,	31	Do,	Do,	Roman Catholic,	St. Nicholas St,	Do,	Do,	No,	No,
33 James Thompson,	31	Co Donegal,	Do,	Episcopalian,	Temple-st,	Do,	Do,	No,	No,
34 James Smith,	27	Do,	Do,	Episcopalian,	Long Street,	Labarre,	Do,	No,	No,
35 David Brown,	30	Do,	Do,	Episcopalian,	Long Street,	Labarre,	Do,	No,	No,
36 Patrick Kelly,	32	Do,	Do,	Roman Catholic,	Do,	Reynolds,	Do,	No,	No,
37 George McHenry,	40	Co Fermanagh,	Do,	Episcopalian,	Parliament-st,	Reynolds,	Do,	No,	No,
38 James McCall,	47	Derry,	Superintendent,	Presbyterian,	Bishop-st,	Reynolds,	Do,	No,	Yes

Londonbury, Ontario, 1900

JAMES W. GORDON, Town Clerk

TABLE B.—Return of the Number of Troops in the Town of Loaders on the following Dates:

Date.	Crops.	Squads or Companies.	Officers.	Men.	Remarks.
1889					
On 30th July.	25th Foot.	4	9	261	1
On 13th August.	Do.	4	5	250	1
On 20th November.	25th Lancers.	1	4	72	75
	25th Foot.	4	7	167	1
On 21st "	25th Lancers.	2	2	56	26
	25th Foot.	3	7	147	1
On 22nd "	Do.	3	5	111	1
On 24th "	Do.	3	5	48	1
On 25th "	Do.	3	5	54	1
On 1st December.	Do.	3	6	160	1
On 15th "	Do.	3	6	161	1
1890					
On 1st January.	54th Foot.	3	6	95	1
On 24th February.	Do.	3	5	97	1
On 19th April.	Do.	3	4	95	1
On 12th August.	Do.	3	4	81	—

Quarter-Master General's Office, Dublin Castle,
2nd November 1898.

(August)

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TABLE C.—Return of the Number of the Royal Irish Constabulary on duty in the Town of Londonderry on certain given Dates:—

Date.	Number of		
	County Inspectors	Sub-Inspectors	Head and other Constables
1868.			
29th July,	1	2	35
15th August,	—	4	113
15th August,	1	9	391
20th to 22nd November,	1	3	302
22nd to 23rd "	1	6	151
23rd to 24th "	—	4	109
24th to 25th "	1	1	18
1st December,	1	3	117
1869 "			
1869.			
1st January,	1	1	58
23rd February,	1	6	217
25th April,	—	1	80
12th August,	1	4	175

Deput at Londonderry, 2nd November, 1868.

(Signed), B. PARSONS, 1st County Inspector.

The Inspector-General,
Royal Irish Constabulary